

1                   IN THE DISTRICT COURT OF THE UNITED STATES  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION

3       UNITED STATES OF AMERICA,           )  
4    )  
4                   Plaintiff,               )     Judge Wells  
5    )     Cleveland, Ohio  
5               vs.                            )  
6    )     Criminal Action  
6       JAMES A. TRAFICANT, JR.,           )     Number 4:01CR207  
7    )  
7                   Defendant.               )

8   - - - - -  
9                   TRANSCRIPT OF PROCEEDINGS HAD BEFORE  
10   THE HONORABLE LESLEY WELLS  
11   JUDGE OF SAID COURT,  
12   ON TUESDAY, MARCH 12, 2002  
13   Jury Trial  
14   Volume 16  
15   - - - - -

16  
17       APPEARANCES:  
17       For the Government:               CRAIG S. MORFORD,  
18   BERNARD SMITH,  
18   MATTHEW KALL,  
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21       For the Defendant:               Pro Se  
22       Official Court Reporter:       Shirle M. Perkins, RDR, CRR  
23   U.S. District Court - Room 539  
24   201 Superior Avenue  
24   Cleveland, Ohio 44114-1201  
25   (216) 241-5622  
25       Proceedings recorded by mechanical stenography; transcript  
      produced by computer-aided transcription.

1                   Tuesday Session, March 12, 2002, 8:45 A.M.

2                   (Proceedings in the absence of the jury:)

3                   THE COURT: I understand it we're going to  
4                   the Manevich deposition; is that correct?

5                   MR. SMITH: Yes, your Honor.

6                   THE COURT: All right.

7                   This deposition is admissible and based on the  
8                   statements by Mr. Manevich's physician during an in-court  
9                   telephonic conference with the parties present and the jury  
10                  absent, and also on Mr. Manevich's testimony, I find him to  
11                  be unavailable to testify in person due to physical  
12                  illness, and as discussed in the March 7, 2002, order  
13                  granting the Government's unopposed oral motion to depose  
14                  Mr. Manevich on videotape, the testimony is also material.  
15                  Any objections regarding the videotape testimony should  
16                  have been made during the deposition or during our  
17                  discussions of objections out of the presence of the jury  
18                  yesterday. So do not interrupt the presentation of the  
19                  video deposition with objections.

20                  Now, we can bring in the jury.

21                  MR. TRAFICANT: Your Honor, I have one  
22                  other -- I have an oral motion.

23                  THE COURT: Okay.

24                  MR. TRAFICANT: That at some point the jury  
25                  be instructed as to what a joint exhibit means when it

1 appears on the document. If you want, I'll do that in  
2 writing in the form of a motion, but I'd like to make it an  
3 oral motion.

4 THE COURT: Okay.

5 I think we can probably handle that orally. We don't  
6 have to do that -- all we have to do is come up with a  
7 definition of joint exhibit, what its implications are.

8 MR. TRAFICANT: And that the jury be  
9 instructed by you.

10 THE COURT: Well, I'll be instructing the  
11 jury throughout the trial, and so if you come to an agreed  
12 statement about what your -- your understanding of what a  
13 joint exhibit would mean, then I'll look at that. So  
14 before you file any motion, I think the best thing to do is  
15 draft a short one or two-sentence statement, give it to the  
16 other side. Then if they agree with it and submit it to me  
17 jointly, then I will consider it and see whether I should  
18 instruct the jury on it or not. Okay?

19 MR. TRAFICANT: Yes.

20 THE COURT: Very well. Let's bring in the  
21 jury.

22 (Proceedings resumed in the presence of the jury:)

23 THE COURT: Good morning.

24 THE JURY: Good morning.

25 THE COURT: Ladies and gentlemen, at this

1       time, a video tape deposition of Mr. David Manevich will be  
2       played for you. Because Mr. Manevich is unavailable to  
3       testify in person due to illness, the parties asked  
4       Mr. Manevich questions during a deposition, which was  
5       videotaped. You should treat Mr. Manevich's deposition  
6       testimony as if it were testimony of a witness here in the  
7       courtroom. Each of you has head phones and a transcript of  
8       the deposition that you can use if you wish to. You're  
9       about to get the transcript.

10             Thank you. You can proceed Mr. Smith.

11                     MR. SMITH: I'd better explain to them how to  
12       use these head set.

13                     THE COURT: Very good.

14                     MR. SMITH: There's two ways you can listen  
15       to this. There's a boom box up there or the head sets. If  
16       you use the head sets, please leave the switch at the top  
17       in place, don't move it because that's the channel, and if  
18       you move the channel, it won't work. The yellow and red  
19       dials you can use to adjust the volume in each ear, and the  
20       bottom switch needs to be thrown now to the right. You  
21       need to throw it to the right to turn the head set on.

22                     THE COURT: And you may be able to hear  
23       through the boom box. It is up to you whether you use  
24       these or not.

25                     (The following proceedings were by way of video tape

Manevich - Direct/Smith

1 deposition of David M. Manevich:)

2 MR. SMITH: Appearance at this  
3 deposition for the United States of America, Bernard A.  
4 Smith. Also here is John Kane of the FBI.

5 MR. TRAFICANT: Pro se Defendant,  
6 James A. Traficant, Jr.

7 DAVID MANEVICH,  
8 of lawful age, a witness called by the GOVERNMENT,  
9 being first duly sworn, was examined  
10 and testified as follows:

11 DIRECT EXAMINATION OF DAVID MANEVICH

12 BY MR. SMITH:

13 Q. Sir, would you please state your full  
14 name and spell your last name for the court reporter?

15 A. Sure, David Martin Manevich, M-A-N-E-V-I-C-H.

16 Q. Sir, in which city do you reside?

17 A. Austintown, Ohio.

18 Q. And what's -- what county is that in?

19 A. Mahoning.

20 Q. Sir, what do you do full-time now?

21 A. Right now I'm unemployed.

22 Q. All right. And what was the last  
23 occupation that you had?

24 A. I was a carpenter.

25 Q. And for how long were you a carpenter?

Manevich - Direct/Smith

1 A. Eighteen years.

2 Q. In your capacity as a carpenter, did you  
3 ever do work at a farm located on Route 165 in Greenford,  
4 Ohio?

5 A. Yes, I did.

6 Q. How did you come to work out at that farm?

7 A. I received a phone call from a Robert Gatti, who at  
8 the time worked for Pete Bucheit, and they needed a porch  
9 shored up, is the way it was said to me.

10 Q. All right. Did you go out to the farm?

11 A. Yes, I did. I met with --

12 Q. Who did --

13 A. Oh.

14 Q. Who did you meet out at the farm?

15 A. I met Pete Bucheit at the farm, and we looked at the  
16 work. There was some posts that needed to be added.

17 Q. Okay. Who was Pete Bucheit?

18 A. Pete Bucheit is the owner, well, at the time the  
19 owner of Bucheit & Sons Construction Company.

20 Q. All right. Had you known anyone in the Bucheit  
21 family before this occasion of going out to the farm?

22 A. Yes, I did. I was a good friend of his son, his  
23 oldest son, Kurt Bucheit; and I knew the, his wife, or  
24 ex-wife at the time, I believe --

25 Q. All right.



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1 A. -- and his other two kids.

2 Q. All right. How long had you known Kurt Bucheit?

3 A. I've known Kurt since 1980.

4 Q. All right. What was your purpose in going out to the  
5 farm that day?

6 A. To give an estimate for a job.

7 Q. All right. When you got to the farm, what did you  
8 observe with respect to this estimate?

9 A. I saw that there was some posts that needed to be  
10 added to this deck. And it was a very big deck, and it  
11 needed some more supports underneath it. At the time we  
12 talked about doing that, and there was some other things  
13 that needed done, to be done. A railing needed to be  
14 fixed.

15 Q. All right. Where was the deck located with respect  
16 to the house at the property?

17 A. Most of it is on the back of the house. I think a  
18 section of it did cover the side of the house also.

19 Q. As you looked at this deck structure, how many day  
20 job did it appear to be?

21 A. Originally I thought it would take about three or  
22 four days, at the most.

23 Q. And how about the price of the job as you looked at  
24 it that day, what did you think it would run?

25 A. I gave Pete an hourly figure for based on labor and



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1 material at \$15 a man-hour, which would be \$15 for each  
2 person working there per hour, plus materials. And I  
3 didn't think it would go over five or six hundred dollars  
4 at the time.

5 Q. All right. Did you take this job?

6 A. Yes, I did.

7 Q. Who was to pay you for your work?

8 A. Pete Bucheit.

9 Q. Did you have any assistance from any other workers in  
10 doing this job?

11 A. Yes, I did. I had a partner at the time whose name  
12 was Frank Renalli. Originally it was just the two of us  
13 going to be working out there. As the job escalated into  
14 more work, we brought in another helper, Allen DeVault.

15 Q. All right. Was there any business relationship  
16 between you and Mr. Renalli at that time?

17 A. We were partners.

18 Q. And explain how you would go about getting jobs and  
19 how you divvied up the responsibilities for those jobs with  
20 Mr. Renalli.

21 A. What we did is, we both had our own construction  
22 company in each other's name; and if Frank would give an  
23 estimate on a job and he got the job, it would be his job.  
24 If I got the job, it would be my job. Normally if it was a  
25 job with an estimate, you know, based on a full price

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1       instead of hourly, the person whose job it was would get a  
2       little bit bigger percentage. You also are the one that  
3       had to deal with the homeowner or the contractor, whoever,  
4       you know, you're doing the job for.

5       Q.     All right. Whose job was this one, between you and  
6       Mr. Renalli?

7       A.     This was mine.

8       Q.     What year did this happen in?

9       A.     I believe -- I believe it was 1993.

10      Q.     All right. Did the scope of the project or the work  
11      ever change as time went on?

12      A.     Yes, it did.

13      Q.     Who initiated the change in the scope of the  
14      project?

15      A.     Well, the Congressman mentioned that he would like to  
16      have some other things done. I would call Pete on that,  
17      talk to Pete, give him an estimate or a rough estimate on  
18      what was involved. He usually got back to me and said, go  
19      ahead and do it.

20      Q.     All right. What was the last name of the Congressman  
21      who initiated this change in the scope of the project?

22      A.     Congressman Traficant.

23      Q.     What -- would you please describe how the project  
24      expanded, what additional work was to be done?

25      A.     Originally, like I said, we were supposed to do, just

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1 put some posts under the deck. And I believe I -- I can't  
2 remember for sure -- but I do think we fixed the door that  
3 went to the cellar that was underneath the deck, too. I'm  
4 not -- I can't remember. I do remember doing something  
5 with it.

6 Then a railing was changed to put two-by-two spindles  
7 on the railing. There was also a section of the deck that  
8 had a two-story part above it. There was the full deck  
9 and then another part above that with a trussed roof.  
10 That became closed in with sliding glass doors or picture  
11 windows, drywall, electrical and siding.

12 There was another area that we built a privacy fence  
13 on. And another area that we built, I guess you would  
14 call it a gazebo or a portico. It was an open-hip roof.  
15 It was basically a hip roof, all out of treated wood, with  
16 no plywood sheeting or shingles, just open rafters. Sort  
17 of had that portico look, kind of look, or an arbor type  
18 of a look to it.

19 Q. All right. And who initiated these various addition  
20 of -- additional work in addition to the original deck  
21 project?

22 A. Well, the Congressman asked if it's possible to do  
23 it. And I would call, you know, Pete Bucheit again and  
24 mention it to him that the Congressman would like to have  
25 this done. I would give Pete a rough estimate. He'd

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1 usually get back to me in a day or two to give me the  
2 go-ahead.

3 Q. All right. Did Mr. Bucheit give you the  
4 go-ahead on these additional items?

5 A. Yes, yes, he did.

6 Q. Sir, if you would examine Government's Exhibit 7-34  
7 on the table in front of you, front and back.

8 A. (Complying).

9 Q. Sir, is Government Exhibit 7-34 a series of three  
10 photographs?

11 A. Yes, sir.

12 Q. Do you recognize those three photographs?

13 A. Yes, I do.

14 Q. What are those three photographs?

15 A. The deck, the addition to the deck, and then a wide,  
16 wider angle picture that has the deck and the addition  
17 included. It also shows the privacy fence with the open  
18 rafters.

19 Q. All right. Do those three pictures fairly and  
20 accurately depict the scene at the home after the work had  
21 been done?

22 A. Yes, it does.

23 Q. On all three?

24 A. Yes.

25 Q. All right. If you would just hold those pictures up

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1 in front of you. All right, now if you would turn it  
2 around. Thank you. You may set it down.

3 Sir, if you would also examine Government's Exhibit  
4 7/33(2).

5 A. (Complying).

6 Q. Sir, do you recognize any portion of that item?

7 A. Yes, I do. There's an aerial photo of the farmhouse.

8 Q. All right.

9 A. And --

10 Q. If you would just keep that down for just a second.

11 A. Sure.

12 Q. Okay. Are there any parts of that photograph that  
13 you do not recognize?

14 A. Yes.

15 Q. Which parts do you not recognize?

16 A. There's a long, I guess it's a pole barn.

17 Q. All right.

18 A. I don't know; it's just --

19 Q. Was that structure, that pole barn that you've  
20 referred to, present when you worked at the farm?

21 A. I don't remember it being there.

22 Q. All right. Now, if you would -- and does that  
23 picture fairly and accurately depict the house on the  
24 property as you recall it?

25 A. Yes, I've never seen it from an aerial view, but I

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1 mean, it does look the same.

2 Q. All right. And if you could turn that picture around  
3 and point out any structure on the side of the house that  
4 you may have worked on?

5 A. I worked on this privacy fence area here, the deck,  
6 and this addition back here.

7 Q. All right.

8 A. Little square part.

9 Q. Very good. Thank you.

10 A. Sure.

11 Q. You may put that down. Over what period of time did  
12 you work on this project?

13 A. I'm pretty sure it was from the springtime, around  
14 April, to the fall, September or October.

15 Q. All right. During that period of time, how often did  
16 you go out to the farm to do the work?

17 A. Originally when we first started working out there, I  
18 believe we were out there for a week or two straight every  
19 day. And then as we started getting other jobs, you know,  
20 I talked to Pete and he said if I wanted to do it as  
21 fill-in work whenever we needed, you know, to work, to do  
22 it that way. So there would be times when we were there  
23 three times a week off and on for about five or six months.

24 Q. All right. How were you paid for your work?

25 A. I received a check from Pete Bucheit every week that



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1 we worked out there. And then I in turn cashed the check  
2 and paid, you know, anybody that worked with me.

3 Q. All right. Who was responsible for paying Mr.  
4 Renalli and Mr. DeVault?

5 A. Myself.

6 Q. And you paid them out of what?

7 A. Out of the check I received from Bucheit & Company.

8 Q. All right. Did Congressman Traficant ever pay you  
9 any money in connection with your work on the project?

10 A. No.

11 Q. Now, if you would next examine Government Exhibit, I  
12 believe it's 7-36, which is a series of documents, please  
13 take a moment to examine those.

14 A. (Complying).

15 Q. Sir, do you recognize that series of items?

16 A. Yes.

17 Q. What are those items --

18 A. These were --

19 Q. -- constituting Government's Exhibit 7-36?

20 A. These are photocopies of checks that were paid to me  
21 from Joseph B. Bucheit & Sons Company.

22 Q. And for what work were those checks paid to you?

23 A. The work that we did out at Congressman Traficant's  
24 farm.

25 Q. All right. Next showing you Government's Exhibit





Manevich - Direct/Smith

1 7-35.

2 A. Okay.

3 Q. Sir, do you recognize that item?

4 A. Yes, this is a listing of all the checks.

5 Q. All right.

6 A. Instead of it being in check form, it's just on a --

7 Q. All right.

8 A. -- typed-out form.

9 Q. All right. And does that list total or give you a  
10 sum of the total of the checks that were paid to you in  
11 connection with this project?

12 A. Yes, it does.

13 Q. What was the total?

14 A. \$26,994.78.

15 Q. All right. Thank you. You may set that aside.

16 A. Okay.

17 Q. Did you ever do any other work for any member of the  
18 Bucheit family during 1993?

19 A. Yes, I did.

20 Q. All right. Who did you do that work for?

21 A. I did some work at Kurt Bucheit's house.

22 Q. All right. If you would look at Government's Exhibit  
23 37-2.

24 MR. TRAFICANT: 32?

25 MR. SMITH: 37-2 --

Manevich - Direct/Smith

1 MR. TRAFICANT: Hyphen, 37-2.

2 MR. SMITH: Correct.

3 Q. Sir, do you recognize that document?

4 A. Yes, I do.

5 Q. What is that, sir?

6 A. This is a check for twenty-one hundred dollars,  
7 twenty -- or twenty-one -- \$2,121.27 for the materials and  
8 labor at Warner Road, which was Kurt Bucheit's house.

9 Q. All right. Now, did the work you did at Warner Road  
10 for Kurt Bucheit, did that have anything to do whatever  
11 with the work that you did at the farm?

12 A. No, it was completely separate.

13 Q. All right. With respect to the work that you did out  
14 at the farm, was there any other contractor working out  
15 there other than yourself, Mr. Renalli and Mr. DeVault?

16 A. I believe when we were doing the addition, we ran  
17 into some wiring problems 'cause of the farmhouse being  
18 old. They called Pete, and he had sent out Aey Electric to  
19 take care of that.

20 Q. Do you know how to spell the word Aey?

21 A. Yeah, it's A-E-Y.

22 Q. Okay.

23 MR. SMITH: I have no additional questions at  
24 this time.

25



## Manevich - Cross

1 CROSS-EXAMINATION OF DAVID MANEVICH

2 BY MR. TRAFICANT:

3 Q. How you doing, David?

4 A. Good. Yourself?

5 Q. How's your health?

6 A. It's been better. I just had a quadruple bypass four  
7 weeks ago.

8 Q. You look good.

9 A. Thank you.

10 Q. I wouldn't have recognized you, quite frankly, but  
11 you -- you look healthy.

12 A. Thank you.

13 Q. Did Sandy live there?

14 A. Yes, she did.

15 Q. Did you go in her house often?

16 A. Often, no. The only time I remember being in there  
17 was when we were doing the addition when we had to cut  
18 through.

19 Q. Would you know if she had visitors in her house?

20 A. I wouldn't know. I mean, I didn't notice. I do  
21 remember -- I can't remember his name -- there was another  
22 guy that worked there that lived in the house. They called  
23 him Butter. And I can't remember his name.

24 Q. But you wouldn't know if someone had been in the  
25 house as a guest, would you?

## Manevich - Cross

1 A. Probably not. I mean, unless I saw them walking out  
2 when we were there working.

3 Q. Did Sandy leave the farm while you worked there, at  
4 times?

5 A. I think there was one time she had to do a horse  
6 show. She was gone for about a week. Which was pleasant  
7 because she didn't bother us.

8 Q. Do you know if she ever went to breakfast or anything  
9 like that?

10 A. I don't know.

11 Q. Got in the car? You wouldn't know, would you?

12 A. I probably wouldn't notice if she did. We normally  
13 got there around 8:00 in the morning, left around 3 or 4.

14 Q. Would you know my father if my father walked in here?

15 A. No, I've never met your father. No, sir.

16 Q. Did Sandy ever tell you she wanted you to do things?

17 A. Yes, she did.

18 Q. What did Sandy tell you she wanted you to do?

19 A. Normally not so much what she wanted to do. The way  
20 we were doing things, she would try to have us do it a  
21 little different; and we pretty much ignored her.

22 Q. Would I, in fact, then tell you to go ahead and do it  
23 that way?

24 A. Yes, if you -- you would say, I'd like to have it  
25 done this way. And again, it would always be I would

## Manevich - Cross

1 contact Pete Bucheit and make sure it was okay with  
2 him to do it, since I was working for him. And again, it  
3 would always be time between when he got back to me. You  
4 know, he never just said, go ahead and do it.

5 Q. So you never -- you disregarded anything Sandy said  
6 to do; right?

7 A. Correct.

8 Q. But isn't it a fact that I would come out and tell  
9 you to do the things that Sandy had suggested?

10 A. There were a lot of times you would say, I'd like to  
11 have it done this way. Sometimes it was close to what she  
12 wanted. I do remember at one point when we were doing the  
13 open-hip rafter, my partner Frank got in a big argument  
14 with her because she didn't like the way it looked. And I  
15 believe he told her, well, it doesn't matter because you're  
16 not the one that this is being done for. You're not the --

17 Q. But, isn't it a fact that in most cases Sandy asked  
18 certain things and you disregarded her?

19 A. Correct.

20 Q. And then I would come out and say, well, go ahead and  
21 do those things?

22 A. Right. And then I would talk to Pete, and he would  
23 be the ultimate one, 'cause I was actually working for Pete  
24 Bucheit.

25 Q. Do you know who owned the farm?

Manevich - Cross

1       A.     I was never stated. I was told it was your farm,  
2       sir, but I -- you know, I've never seen it on paper saying  
3       that it was yours. You know, I just -- the same with if I  
4       go to work on a homeowner's house, I don't ask them for a  
5       deed.

6       Q.     Who told you it was my farm?

7       A.     Pete Bucheit, when, the first time he met me out  
8       there.

9       Q.     Did he say it was the Traficants' farm?

10      A.     He said it was Congressman Traficant's farm.

11      Q.     Congressman Traficant's farm?

12      A.     Yes, sir.

13      Q.     Do you know if Pete and I had a private agreement?

14      A.     No, I don't, and it was none of my business. If I  
15      was a contractor working, subbing out from another  
16      contractor for a big building, let's say, I wouldn't know  
17      what his deal was with the owner of the building. It's  
18      none of my business. Just like if I had a deal with a  
19      homeowner and somebody that worked for me, it's none of  
20      their business what, how much I'm being paid or when I'm  
21      being paid.

22      Q.     Well, who hired you?

23      A.     Pete Bucheit.

24      Q.     You never had any discussions with him why Traficant  
25      isn't paying?



Manevich - Cross

1       A.     No, 'cause it's none -- I was -- the way it works in  
2       construction, a lot of times like one contractor will get a  
3       job, and he might be too busy or it's too small of a job;  
4       he'll sub it out to somebody else, which is what happened  
5       in this case. You know, for all I know, you could have had  
6       a deal with him that you paid him \$50,000 for the work that  
7       I did for \$27,000.

8       Q.     Do you know if I paid Pete Bucheit?

9       A.     I don't know. It was, again, it was none of my  
10      business.

11      Q.     Was I out there often?

12      A.     I believe so, on Fridays, we did see you.

13      Q.     Would often be just like a Friday?

14      A.     Usually every Friday. Every Friday or every other  
15      Friday I would see you out there.

16      Q.     I'm just looking through my notes, so if --

17      A.     Sure, that's fine.

18      Q.     -- there's any wondering what's going on here, just  
19      --

20      A.     No, that's fine. It's been a long time for all of  
21      us.

22      Q.     Now, you said the porch needed shored up. Would you  
23      describe the state of the porch?

24      A.     When I first arrived there, it was a very big deck.  
25      Not a porch actually. It was -- it was relayed to me as

Manevich - Cross

1       being a porch. When I got there it was a deck. And I  
2       don't know the exact square footage, but it was huge. And  
3       there just, there was not enough posts underneath it. If  
4       there were a good amount of people on there, I'd say it  
5       probably had a good chance of collapsing.

6       Q.     Was it a two-deck porch?

7       A.     Yes, it was.

8       Q.     Did it have a roof on it?

9       A.     Yes, in one section.

10      Q.     And what section was that?

11      A.     The section in the middle that we had closed in.

12      Q.     Would you hold it up?

13      A.     Yes, sir. Right here.

14      Q.     Would you identify it? And what is the Exhibit  
15      number on that?

16      A.     Exhibit --

17      Q.     Is that 7-34?

18      A.     Yes, it is.

19      Q.     Do you know who built that deck?

20      A.     Originally?

21      Q.     Yes.

22      A.     No, I don't.

23      Q.     Would you say it was a good carpenter?

24      A.     I would say it needed work. It was probably a  
25      homeowner that did it. I mean, it was there; it was built;

## Manevich - Cross

1 but it did need -- it needed more support.

2 Q. Did Pete Bucheit ever tell you that I built it?

3 A. Not to my knowledge.

4 Q. So you also added the railings, the two-by-twos?

5 A. Yes, sir. Yeah, there was a railing there. I  
6 believe -- I don't remember exactly if we tore the whole  
7 railing down and completely rebuilt it or just added the  
8 two-by-twos and the top rail.

9 Q. Well, you said in your earlier testimony you added  
10 the two-by-twos?

11 A. Right; we did add the two -- that I know we added.  
12 But I don't -- I don't remember if we added the top rail,  
13 too. I do know that these posts, if I could lift this  
14 picture again and show you?

15 Q. Go ahead, lift it.

16 A. These, these big posts were here. 'Cause I wouldn't  
17 have --

18 Q. The posts were there?

19 A. Right; those were there. And I believe there was a  
20 railing.

21 Q. Hold that up again.

22 A. Sure.

23 Q. The big posts were there?

24 A. Yes, sir.

25 Q. Are the big posts connected by anything?

Manevich - Cross

1 A. They are connected by two-by-sixes and two-by-fours  
2 and the top cap. But I do believe we replaced most of  
3 that, to go along with the two-by-twos.

4 Q. Well, then how were the big posts standing if they  
5 weren't connected?

6 A. Well, I believe we replaced whatever was here before.  
7 I'm trying to remember, and I don't remember exactly what  
8 it looked like. I think --

9 Q. Isn't it a fact you just put the two-by-twos on that?  
10 Think back.

11 A. It's, you know, it's almost ten years ago.

12 Q. I know it is.

13 A. I'm trying to remember.

14 Q. But, isn't it a fact you put two-by-twos on the  
15 railing that was already built?

16 A. It could have been. But I do remember putting the  
17 top cap on it, too.

18 Q. And a top cap?

19 A. Right.

20 Q. Okay.

21 A. That could be possible.

22 Q. Railings and possibly a top cap?

23 A. Correct. I mean, there was a railing system there.  
24 That I do know. Trying to remember what it looked like, I  
25 don't remember. It was probably open, but again, I don't

Manevich - Cross

1       remember.

2       Q.     Now, when you said that you put the first couple  
3       weeks in and then you would go maybe two or three days,  
4       were there times when you didn't come out a week at all?

5       A.     Yes, there were.

6       Q.     So over this period of four, what did you say, five  
7       months?

8       A.     Probably, yes, four to five months.

9       Q.     There were weeks you didn't even come at all?

10      A.     Correct.

11      Q.     Did you get a union carpenter's wage?

12      A.     No, we did not.  And basically because I originally  
13      figured it would be a small job.  Since I knew the  
14      Bucheits, I just, you know, did them a favor, saying  \$15 a  
15      man-hour.  Normally we charged 18 a man-hour.

16      Q.     Do you remember telling the Government that you  
17      thought it was 1992?

18      A.     Yes, I do.  I thought, based on, I moved into my  
19      house that I'm presently living in now at the time we were  
20      working out there, because I was coming from there straight  
21      to the house to fix it up before I moved in.  And I thought  
22      it was when my daughter was a year old.  She was born in  
23      '91.  But after seeing the checks, I see that it was '93.

24      Q.     Okay.  Now, the big deck had already been built?

25      A.     Correct.



## Manevich - Cross

- 1 Q. Correct?
- 2 A. Yes, the deck itself was there.
- 3 Q. The railing was there?
- 4 A. Most of the railing was there. Not, not how it is in  
5 these pictures, but there was a railing there.
- 6 Q. Railing there with the big posts?
- 7 A. Correct.
- 8 Q. Connected by two-by-sixes?
- 9 A. I believe so, yes. I mean, I'm looking at a picture  
10 now; I can see two-by-sixes, but I'm assuming it was  
11 two-by-sixes before.
- 12 Q. And you believe you put a cap on it?
- 13 A. Definitely, yes.
- 14 Q. That's what you put on it?
- 15 A. I know we put the cap on.
- 16 Q. You put the cap and the two-by-twos?
- 17 A. Correct.
- 18 Q. Then you did the privacy fence?
- 19 A. Correct.
- 20 Q. And you closed in the two-story deck?
- 21 A. Correct.
- 22 Q. Roof was already on?
- 23 A. Yes, it was. Shingles were on it already, existing.
- 24 Q. Now, isn't it a fact that one corner of the deck was  
25 sinking?

Manevich - Cross

1 A. I'm trying -- I don't remember, but it could have  
2 been. Again, it's almost ten years ago. That could be  
3 very possible. That could be another reason why we had to  
4 add posts.

5 Q. Well, why did you ask -- why did you add posts?

6 A. When I was originally -- I believe it was the center  
7 section, is where we added the posts, from --

8 Q. Where the weight --

9 A. Where the weight from the second story was.

10 Q. So you added posts?

11 A. Correct. We added six-by-six posts. I believe --

12 Q. Six-by-six?

13 A. I believe we added either six or nine of them. I'm  
14 not -- again, I don't remember exactly. I know if it was  
15 only one or two, it would just be a one-day job, so --

16 Q. Because of the weight of the two-story deck, would  
17 that be a --

18 A. That would be very reasonable. Makes a lot of sense.

19 Q. With, with a roof?

20 A. Yes. Yes, sir. Excuse me. I'm fine. I just --

21 Q. Are you okay?

22 A. Yes, sir.

23 Q. You want to take a break?

24 A. I'm fine. I just I needed to cough a little; I  
25 wanted to hold my rib cage.



## Manevich - Cross

- 1 Q. Go right ahead and cough.
- 2 A. Oh, I'm done.
- 3 Q. By the way, did I ever threaten or did you fear me?
- 4 A. No, not at all.
- 5 Q. How many years have you known of me?
- 6 A. Known of you?
- 7 Q. Yeah, and known me, publicly.
- 8 A. Since you've become a Congressman.
- 9 Q. Since '84?
- 10 A. I believe so, if that's -- is that when you became
- 11 the Congressman?
- 12 Q. Yeah, yeah.
- 13 A. I moved here from New Jersey in 1980. I remember
- 14 you were the Sheriff then.
- 15 Q. Well, you knew me then since 1980?
- 16 A. I knew of you, the name; that was all.
- 17 Q. Yeah, 1980 you knew the name?
- 18 A. Correct.
- 19 Q. But in 1984 you got to know me; right?
- 20 A. I would say ninety -- when I worked out at the farm
- 21 is when I got to know you.
- 22 Q. Yeah. Did people in the community fear me?
- 23 A. Not that I know of.
- 24 Q. Were people afraid of me?
- 25 A. Not to my knowledge.

Manevich - Cross

1 Q. Was I a touchy, feely guy that touched you all the  
2 time?

3 A. Shake hands, I mean.

4 Q. Fine.

5 A. I believe when we were out there, when we saw you,  
6 you were very personable, very nice guy. Never had a  
7 problem with you.

8 Q. Did you ever see me out there with Pete?

9 A. I don't think so. I think when Pete came, it was  
10 always beginning of the week. To the best of my knowledge,  
11 you were in Washington at the time. I know the only time I  
12 did see you was on Fridays.

13 Q. Did you ever ask me for any money?

14 A. No.

15 Q. Were some of the ideas for the improvements Sandy's  
16 ideas?

17 A. Some of them she brought up, but you would again  
18 bring them up yourself. That was the only reason I would  
19 even talk to Pete about them.

20 Q. Okay. So Sandy brought up ideas, but you disregarded  
21 it; right?

22 A. Correct. I mean, at the time --

23 Q. And then I'd come in on a Friday, and if I reiterated  
24 what Sandy had requested --

25 A. Correct.

Manevich - Cross

1 Q. -- what would you do?

2 A. I would talk to Pete about it, and if he said, gave  
3 me the go-ahead, then we would do it. I mean, at the time  
4 we were told it was your farm, and she was the manager of  
5 the farm. So just even if I was working in a building, I  
6 wouldn't talk to a manager of a building to get work, that  
7 was getting work done; I would talk to the owner.

8 Q. Sandy lived there; right?

9 A. To the best of my knowledge, yes.

10 Q. Now, on all the times that you were there, did you  
11 see her every minute of the day you were there?

12 A. No, no.

13 Q. For example, in the first two weeks, how many hours a  
14 day would you say, if you were to put it into minutes, of  
15 eight hours, 480 minutes, how many minutes did you see  
16 Sandy? Try and just --

17 A. That's hard to remember.

18 Q. Yeah, I know.

19 A. I'd say maybe, maybe, tops, a half hour out of every  
20 day total.

21 Q. You saw her a half hour?

22 A. She might come out to ask us if we wanted a drink  
23 once in a while. Most of the time it was her dogs. She  
24 had some beagles that she would let out of the house, and  
25 they'd go to the bathroom on the deck we were working on.

Manevich - Cross

- 1 Q. So you'd see Sandy a half hour of every day?
- 2 A. If --
- 3 Q. Approximately?
- 4 A. If that.
- 5 Q. If -- when you worked full-time?
- 6 A. Correct.
- 7 Q. If that?
- 8 A. Yeah. When we did the addition part where we did the
- 9 close-in of the two-story, we saw her more, because once we
- 10 had cut the hole through the house --
- 11 Q. Yeah.
- 12 A. -- we would have a little more contact
- 13 with her.
- 14 Q. You'd be in the house a little?
- 15 A. Correct.
- 16 Q. Yeah. When you cut the windows; right?
- 17 A. Correct.
- 18 Q. And made them doors?
- 19 A. Yes.
- 20 Q. Isn't it a fact you left the windows in upstairs,
- 21 though, and did not put doors on the second floor?
- 22 A. I don't remember. I thought we put a door in there.
- 23 I thought that became a bedroom on the second floor.
- 24 Q. Oh, do you?
- 25 A. I thought so; but again, I don't remember. It

Manevich - Cross

1 doesn't make sense that it would be windows, you'd have to  
2 climb in and out of the windows to get into a room.

3 Q. Well, do you know if you did that or if someone else  
4 did that? Were you absolutely sure you put the --

5 A. No, I'm not.

6 Q. -- doors on the second floor?

7 A. There might have been a door -- there might have been  
8 a door there already to get out onto that deck area. I --  
9 I don't remember exactly.

10 Q. Well, if there was a second-story deck --

11 A. Makes sense that there would be a door there.

12 Q. Were there doors there?

13 A. Again, I don't remember. It just makes sense that  
14 there would be a door there. If it was my house, I'd have  
15 a door there, put it that way.

16 Q. Do you know of anyone that owned a second-story deck  
17 that climbed out windows?

18 A. No.

19 Q. But it's your testimony that the second-story deck  
20 was already finished, floor and roof and shingle?

21 A. Had a floor. The deck itself was a deck floor,  
22 treated wood. Had trusses, which are the framing for a  
23 roof, and the shingles, sheeting and shingles on it.

24 Q. And naturally --

25 A. And as far as the underneath of it was wide open.

## Manevich - Cross

- 1 Q. And naturally supports --
- 2 A. Correct.
- 3 Q. -- to hold each respective deck up?
- 4 A. Correct; there was four corner posts on it.
- 5 Q. From the ground all the way up to the trusses;
- 6 correct?
- 7 A. Correct, correct. Right; what we did is we framed it
- 8 with two-by-fours in between the posts and put plywood, or
- 9 plywood on the outside with siding and windows and put
- 10 drywall on the inside. In fact, in this one picture you
- 11 can still see the post going up. Right here on the corner,
- 12 you can still see the posts that goes all --
- 13 Q. Those posts were there and you just --
- 14 A. Correct.
- 15 Q. -- covered them, didn't you?
- 16 A. They were going all the way up.
- 17 Q. And isn't it a fact that the second floor -- hold
- 18 that up again.
- 19 A. Sure.
- 20 Q. And now take -- first turn back and look at it and
- 21 see if the top section of the second deck sits out further
- 22 than the bottom deck?
- 23 A. Yes, it does.
- 24 Q. And why was that?
- 25 A. I believe, from the way it was framed, it was a

Manevich - Cross

1       little bit bigger than where the posts were.   What we did  
2       is do our, our walls in between the posts.

3       Q.     You just did the posts?

4       A.     The posts were there.   We went in between the posts.

5       Q.     And isn't it a fact that the floor of the second  
6       floor deck was wider than the posts, support posts that  
7       brought it up?

8       A.     Correct.

9       Q.     So you didn't cut anything off the deck?

10      A.     No.

11      Q.     You just went ahead and built around it; is that  
12      correct?

13      A.     Correct; and that's what -- I've never said we did do  
14      cutting --

15      Q.     No, okay.

16      A.     -- it out.

17      Q.     Okay.

18      A.     And it makes sense to do that because then you've got  
19      a little bit of an overhang for weather.   That's why, if  
20      you look at the top section, when the roof was originally  
21      framed, it was framed farther out, too, so there's an  
22      overhang to protect it from weather.

23      Q.     Were there days when you were there by yourself?

24      A.     I don't think so.   There could have been, but I don't  
25      remember.   I know at one point Frank went fishing in Canada

Manevich - Cross

1       for a week and Allen worked with me. There was another  
2       point where I had to go to New York for a family wedding;  
3       Allen was there with him. There could have been. There  
4       could have been times where one of us was there and the  
5       other one came out later in the day or vice versa. But  
6       again, like I said, it's almost ten years ago; it's hard to  
7       remember things like that.

8       Q.     Were Pete and I friends?

9       A.     I have no idea. I would think so, but I don't know.  
10      It could have been just another contractor-customer  
11      relationship.

12      Q.     Was it unusual to have someone hire you for a job?

13      A.     No, not at all.

14      Q.     At someone else's place or someone else's property?

15      A.     Not at all. Not at all. Especially when you're  
16      dealing with a bigger company. They -- at the time Pete's  
17      company was working in Washington, I believe, on an office  
18      building that either they owned or -- I don't know -- they  
19      were doing something at an office building; I know that.  
20      And they did big commercial construction. They didn't do  
21      residential construction.

22      Q.     So it was not unusual to --

23      A.     It's called being a subcontractor.

24      Q.     Yeah, to be, to do a job as a sub or whatever?

25      A.     No, not at all. When we weren't dealing directly



Manevich - Cross

1 with homeowners, that's what we did a lot of, was worked  
2 as subcontractors.

3 Q. So it was not unusual that someone might hire you and  
4 pay you to do Mr. Smith's home, and if I hired you to do  
5 Mr. Smith's home, was that agreement with me and you?

6 A. Correct.

7 Q. Or with you or Mr. Smith?

8 A. That would be with me and you; correct.

9 Q. And your agreement was with who?

10 A. My agreement was with Pete Bucheit.

11 Q. Did you ever question that?

12 A. No, not at all. I mean, during that time we had  
13 other companies we were working for, too, at the same time;  
14 and I wouldn't ask them what they were getting paid from  
15 another company. It was, as long as I got my check and did  
16 what I was supposed to do for that check, that's all that  
17 matters.

18 Q. Did I ever offer to use some of the materials that I  
19 had on hand?

20 A. Yes, you did. There were some old two-by-fours you  
21 had. You said, hey, you guys could use that if you want.

22 Q. And why, in fact, didn't you use it?

23 A. A lot of them were twisted.

24 Q. And you felt that it would just take too much time  
25 and labor to --

## Manevich - Cross

- 1 A. Try to cut pieces out of them --
- 2 Q. -- try to correct them?
- 3 A. -- or pulling nails from them and --
- 4 Q. Did I offer that to you on several occasions?
- 5 A. I do remember a few, a few occasions, a couple of
- 6 them.
- 7 Q. Wasn't it a fact that I tried to use old wood that I
- 8 had in the barns to, to try and do some of this work?
- 9 A. Yes, sir. Yeah. I don't know if they were in the
- 10 barns.
- 11 Q. But there was old wood?
- 12 A. Oh, there was definitely some old wood there. You
- 13 know, why don't you guys use this, you know, was probably
- 14 the way it was said.
- 15 Q. And some of them had nails in them even?
- 16 A. Correct.
- 17 Q. Used wood?
- 18 A. Yes, definitely used wood.
- 19 Q. Now, did you burn your scraps?
- 20 A. Yes, we did.
- 21 Q. Do you remember having conversations with me about
- 22 your scraps?
- 23 A. No, that I do not. I don't remember. When we talk
- 24 about scraps, we're saying anything under a foot is
- 25 normally what we would burn, normally we would burn or

Manevich - Cross

- 1 dump.
- 2 Q. Did I ever ask you to save them for me?
- 3 A. I don't remember.
- 4 Q. Okay.
- 5 A. I think if you did, I probably would have.
- 6 Q. Just take a look at this. I'm referring to Page 18
- 7 of his -- and read, just read to yourself the first
- 8 paragraph.
- 9 A. Sure.
- 10 Q. And you don't have to -- it's -- just, just read that
- 11 to yourself, and then I'm going to ask you a question.
- 12 That's Page 18, first paragraph.
- 13 A. (Complying). Okay.
- 14 Q. Now can I have that back?
- 15 A. Sure.
- 16 Q. Does that refresh your memory?
- 17 A. Yes, a little bit. Again, it's -- it's a long time
- 18 ago --
- 19 Q. Yeah.
- 20 A. -- to try to remember.
- 21 Q. But now what do you remember?
- 22 A. I do remember you asking us to save some scraps.
- 23 Q. And you would do what with them?
- 24 A. We burned them.
- 25 Q. Okay. And isn't it a fact you felt that's the way

## Manevich - Cross

1 the deck was built?

2 A. Yes, I do. We both did at the time, myself and my  
3 partner. I wouldn't say the whole deck, but I'm sure there  
4 were parts of it that were built with old wood.

5 Q. So you basically were known as David Manevich  
6 Remodeling?

7 A. Yes, my company was at the time.

8 Q. And it was in fact on 537 Redondo Road?

9 A. 535.

10 Q. 535?

11 A. Was my home address at the time, yes.

12 Q. Now, you kept no copies of them; those, those copies  
13 came up through the Government's investigation; right?

14 A. These checks, you mean?

15 Q. Yes.

16 A. Yes. Yes, sir.

17 Q. Did you have copies of those checks?

18 A. Myself?

19 Q. Yeah.

20 A. No. This was from too long ago. I keep records  
21 seven years and that's it, and then I got rid of  
22 everything. I mean, in a given year I might do 80 jobs.  
23 There's a lot of paperwork there involved.

24 Q. Did you speak to Pete Bucheit or any one of his  
25 family about this investigation?

Manevich - Cross

1       A.     No, I did not. I have not talked to anybody from  
2       that family since probably around '93 or '94. And I think  
3       the last one was Kurt, and again, I was friends with Kurt.  
4       I think one of the last times I saw Kurt is when we worked  
5       at his house.

6       Q.     Were you ever questioned or investigated  
7       or be a part of an investigation into work that was done  
8       in any other time of your work experience?

9       A.     No. Other than this, you mean?

10      Q.     Yeah.

11      A.     No, not at all. I --

12      Q.     Did anyone ever ask you about a job you  
13      did ten years ago?

14      A.     Anyone?

15      Q.     Yeah.

16      A.     I owned a karate center. I remember a guy  
17      walked in, wanted me to do some drywall work one day,  
18      and he said, I heard you worked out at Congressman  
19      Traficant's farm; I need some drywall work done at his  
20      house in Poland.

21      Q.     Okay.

22      A.     And I didn't -- at the time I wasn't  
23      doing this type of work anymore.

24      Q.     And you didn't do it?

25      A.     Correct.



Manevich - Cross

1 Q. Very good.

2 A. That was all I can remember. I don't  
3 even know who he was.

4 Q. Did I give you guys any nicknames?

5 A. I believe you called my partner Cheech,  
6 which is Italian for Frank, at the time.

7 Q. Was there another name I used?

8 A. You'd call everybody Chairman. On  
9 Fridays when you'd come out, you would say,  
10 hey, Chairman, the Sheriff did a pretty good  
11 job on his deck. I do remember that. So  
12 that's how we assumed, from that, that  
13 you had built the deck.

14 Q. Well, this is not a down time; I'm just  
15 looking through for a few things.

16 A. Sure, that's fine.

17 Q. Just got a few more questions, and give  
18 you a chance to, to constipate over some of  
19 your issues.

20 A. That's fine. I didn't feel I did anything wrong.

21 Q. But you did let Mr. Bucheit know what  
22 you did, how many hours you put in?

23 A. Correct, correct. I would give him a bill at the end  
24 of the week for the material and labor, any materials we  
25 bought that week --

Manevich - Cross

1 Q. Okay.

2 A. -- and the time of labor, the hours.

3 Q. And he never questioned your time or anything like  
4 that, did he?

5 A. No.

6 Q. Did I ever give you any money?

7 A. No. No, sir.

8 Q. And you had no understanding of what the  
9 agreement was between Pete Bucheit and Jim Traficant?

10 A. Correct. It was none of my business. You  
11 know, again, if, if you hired me for a job to work at  
12 somebody else's house, I wouldn't ask them what they  
13 were -- how much they were paying you for me to do the  
14 work. Just, I mean, that's the way it works. If I work  
15 for somebody and I'm charging them, like in this job, \$15 a  
16 man-hour, it's nobody's business what I'm paying the people  
17 working for me. I'm charging this much. That's what I'm  
18 charging. You agree to that.

19 Q. Okay. Well --

20 A. I might be charging, paying one guy \$8 an hour.

21 Q. Right. Now, let me ask you this: Did Pete Bucheit  
22 say, look, this is the Congressman, and could you maybe cut  
23 that price down at all?

24 A. No. No, because again, all we did was, we did it by  
25 the hour. And normally, I told him from the beginning, I



Manevich - Cross

1 normally charge \$18 a man-hour. Since I'm friends with  
2 Kurt and I know the family. We'll do this for \$15 a  
3 man-hour. And nobody had asked me; I just did it thinking  
4 it was only going to be a couple-day job.

5 Q. Did I ever come and ask you to reduce your hourly  
6 rate?

7 A. No, not to the best -- not to my knowledge. I don't  
8 remember that at all. I don't remember ever talking money  
9 with you at all.

10 Q. Now, when were you first contacted by the Government,  
11 David?

12 A. By the Government?

13 Q. Yes.

14 A. I believe it was -- it was definitely in 2000. I  
15 don't remember the exact month. I'm guessing it was in the  
16 summer of 2000.

17 Q. Who came to see you?

18 A. Or actually it might have been the fall of 2000.

19 Q. Fall of 2000?

20 A. Yes.

21 Q. Okay. Who came to see you?

22 A. I believe it was two FBI agents, a Richard Denholm,  
23 and I don't remember the other agent's name. He was a big  
24 guy.

25 Q. Did you only have the one meeting with them?

## Manevich - Cross

- 1 A. Yes, until I did go up for the grand jury.
- 2 Q. Would you remember the other fellow's name if in fact
- 3 I gave it to you?
- 4 A. Probably.
- 5 Q. Could it be a guy named Speranza?
- 6 A. I don't think so.
- 7 Q. Could it be a guy named Stoll?
- 8 A. I don't think so. If I -- if I heard his first name,
- 9 I would probably know it more than, than the last name.
- 10 Q. A guy named Mike?
- 11 A. I don't think so.
- 12 Q. How about a guy named Pikunas?
- 13 A. Pikunas, I don't recognize the name.
- 14 Q. But you remember the name Denholm?
- 15 A. Yes, I do remember Richard Denholm. Mainly 'cause
- 16 he's the one that gave me his card and, at the time.
- 17 Q. Where did they meet with you, David?
- 18 A. My business at the time, which was Karate for Kids.
- 19 It was located on South Avenue in Boardman. It was
- 20 actually ATA Black Belt Academy, was the full name, slash,
- 21 Karate for Kids.
- 22 Q. Did they drop in on you cold or did they give you a
- 23 call?
- 24 A. No, they dropped in cold. I was in the middle of
- 25 teaching a class. The lady that worked the front desk for

Manevich - Cross

1 me came on the floor, said, there's two gentlemen that need  
2 to talk to you. When I did go over to see, you know, if I  
3 could help them, they showed me their badges, said FBI. It  
4 kind of took me by a little shock. And then they said,  
5 don't worry, you haven't done anything wrong; you're just a  
6 witness; we'd like to talk to you.

7 From then we proceeded into my office, and they asked  
8 me, you know, they said, we understand you did some work  
9 out at Traficant Congressman's farm; could you please tell  
10 us about it?

11 Q. Were they both sitting facing you?

12 A. Yes, sir. Or standing. It's a small office. I had  
13 one chair in it.

14 Q. How long did the meeting last?

15 A. Probably about 40 minutes to 45 minutes. I remember  
16 it took most of a class.

17 Q. Would you stand for 40, 45 minutes?

18 A. At the time, yes, I would stand. At the  
19 time I taught karate, seven classes a day.

20 Q. Did you have chairs in the room?

21 A. I had one chair in my office, yes.

22 Q. Just one?

23 A. Yes. It was -- the office was maybe five foot by ten  
24 foot. It was a small office. There was a desk in there,  
25 a computer and a, like a locker or a dressing cabinet,

Manevich - Cross

1       however, whatever you want to call it, armoire. Basically  
2       my office was where I changed my clothes, put my uniform  
3       on, and --

4       Q.     When they hit you by shock, were you a little bit  
5       scared at first?

6       A.     I wouldn't say scared. I'd say probably apprehensive  
7       was more of a word. I didn't understand what was going on  
8       or, or why they were there.

9       Q.     Did they tell you that I was the target of their  
10      investigation?

11      A.     At the time I believe so, yes.

12      Q.     Did any of them stare at you?

13      A.     No.

14      Q.     Was one guy a real big guy?

15      A.     Yes, yes, he was very big.

16      Q.     How big?

17      A.     If I had to guess, I'd say six foot one or six foot  
18      two.

19      Q.     How much do you think he'd have weighed?

20      A.     Probably about 240.

21      Q.     And did you tell them at that point everything you  
22      knew?

23      A.     To the best of my knowledge, what I could remember.

24      Q.     Did you tell the grand jury everything you knew?

25      A.     Again, to the best of my knowledge, what I could

Manevich - Cross

1       remember.

2       Q.     Did you ever do any work for anyone other than Pete  
3       at my farm?

4       A.     No, no, I did not.

5       Q.     Did you ever see any of my Congressional workers at  
6       the farm while you were there?

7       A.     No, I did not. I wouldn't know any if I saw any, but  
8       there was nobody else working there. Other than Sandy was  
9       there and the other guy who was like a farmhand, but I  
10      don't know his name; all I know is they called him Butter.  
11      He told us he was Sandy's nephew, but that's all I know.

12      Q.     Did you ever ask me for any favors?

13      A.     No, I did not.

14      Q.     If you had a serious problem with the Federal  
15      Government, would you call me and ask for my help?

16      A.     As my Congressman, I would, but not because I did  
17      work out at your farm. I mean, I believe that -- isn't  
18      that what our representatives are there for?

19      Q.     Absolutely.

20      A.     'Cause I do know back when I was in the Marine Corps,  
21      I think when Lyle Williams was the Congressman before  
22      yourself --

23      Q.     Yeah.

24      A.     -- I had a problem with my ex-wife of the CHAMPUS,  
25      which is the military, not paying a bill that she had

Manevich - Cross

1 something done; and my mother actually wrote a letter to  
2 Lyle Williams, and he helped out with that, took care of  
3 it.

4 Q. Did I have a reputation for helping people in the  
5 community, David?

6 A. Yes, oh, yes.

7 Q. Did I bring in a lot of money for construction?

8 A. Yes, you did.

9 Q. Did you get a lot of work out of the money I brought  
10 in?

11 A. I don't know if I personally got money, but I'm sure  
12 I was affected by it. There was probably some spin-off  
13 jobs that were due to that fact.

14 Q. Were jobs an important issue for me?

15 A. To the best of my knowledge, yes, and I think they  
16 still are.

17 Q. Did I work to settle strikes and handle labor  
18 problems?

19 A. Yes, definitely. You're well-known for that.

20 Q. When you left the farm, were you and I fairly  
21 friendly, would you say?

22 A. I would say so, yes. Just from, you know, being out  
23 there. I mean, I wouldn't call you up and go out to  
24 dinner with you, but I would say we were on friendly terms.

25 Q. At this point you consider me a friendly associate,

Manevich - Cross

1 at least?

2 A. Yes, definitely. I have nothing against you. I --  
3 you know, and I would think that you had nothing against  
4 me, 'cause again, I, you know, they -- I was contacted,  
5 told me to say what happened; I said what happened.  
6 That's, you know, the truth to the best of my knowledge.

7 Q. Did you think that what was happening out at the farm  
8 was something illegal?

9 A. No.

10 MR. SMITH: Objection.

11 THE WITNESS: No.

12 MR. SMITH: But answer.

13 THE WITNESS: No, I did not. No, I did not.  
14 If I did, I probably would not have been involved.

15 Q. Would you have been involved in any work at my farm  
16 if you thought there was something illegal or wrong about  
17 it?

18 MR. SMITH: Objection, but answer.

19 THE WITNESS: No.

20 MR. TRAFICANT: I object to your objection.

21 Q. Did you do a good job?

22 A. I believe so. Do you think we did a good job?

23 THE WITNESS: Oh, sorry.

24 MR. SMITH: Object to any questions from the  
25 witness.

Manevich - Cross

1                   THE WITNESS: Oh, okay. Sorry, sir.

2                   Yes, I believe we did a good job.

3       Q.       Did I ever tell you you did a good job?

4       A.       I believe so; yes, you did.

5       Q.       Pick up the pictures.

6       A.       Of the --

7       Q.       Yeah, that one there and show that one.

8       A.       Okay. Here's this.

9       Q.       Do you know if it's still standing?

10      A.       I do not know. I don't know when this picture was

11      taken. The last time I was at the farm was the last time I

12      worked there, which was in '93. I would hope it's still

13      standing.

14      Q.       Now, as you hold that picture there, turn it around.

15      A.       (Complying).

16      Q.       Is there a tractor there?

17      A.       Yes, there is.

18      Q.       Is it a new tractor?

19      A.       It doesn't look to be a new one.

20      Q.       What's it look to be?

21      A.       Looks to be a very old one, but --

22      Q.       Turn it around.

23      A.       -- I'm not an expert on tractors. (Complying).

24      Q.       Did you see a lot of new equipment when you were

25      there, David?





## Manevich - Cross

1 A. No, I did not.

2 Q. Did you see a lot of run-down buildings when you were  
3 there?

4 A. Yes, I did, in fact. There was two barns, which are  
5 in this picture here, that were old and run down. In fact,  
6 when we were burning the scraps that day, we were worried  
7 about the barn catching on fire; so we made sure we had  
8 some buckets of water handy.

9 Q. Were there horses at the farm?

10 A. Yes, there were.

11 Q. Were there a lot of horses at the farm?

12 A. Four or six, I think. I'm not sure. Sometimes they  
13 were in the corral in front. Most of the time they were in  
14 the back.

15 Q. Did you ever see any horses in the barn?

16 A. I don't think so.

17 MR. TRAFICANT: No further questions.

18 MR. SMITH: No redirect examination.

19 THE COURT: Would you raise your right hand?

20

21

22

23

24

25

Foiani - Direct/Kall

1                   LUCIA IANNANDREA FOIANI,  
2                   of lawful age, a witness called by the Government,  
3                   being first duly sworn, was examined  
4                   and testified as follows:

5                   DIRECT EXAMINATION OF LUCIA IANNANDREA FOIANI

6                   BY MR. KALL:

7                   Q.     Please state your name, and spell your last name for  
8                   the Court Reporter.

9                   A.     My name is Lucia, L-U-C-I-A. My maiden name is  
10                  I-A-N-N-A-N-D-R-E-A, and married name is Foiani,  
11                  F-O-I-A-N-I.

12                  Q.     And where do you live?

13                  A.     Alexandria, Virginia.

14                  Q.     Where do you currently work?

15                  A.     I'm a stay-at-home mother.

16                  Q.     I understand you're also an attorney?

17                  A.     I am.

18                  Q.     When did you receive your law degree?

19                  A.     1996.

20                  Q.     From where?

21                  A.     Case Western Reserve University.

22                  Q.     Have you ever worked for Congressman James Traficant?

23                  A.     Yes, I did.

24                  Q.     When did you work there?

25                  A.     1989 to 1993.

Foiani - Direct/Kall

1 Q. Did you leave there on good terms?

2 A. Yes.

3 Q. Why did you leave?

4 A. Because I wanted to go to law school.

5 Q. I presume since you left on good terms, that it's  
6 sort of difficult for you to be here today?

7 A. Close third after child birth and bar exam.

8 (Laughter.)

9 MR. TRAFICANT: I didn't hear that. I didn't  
10 hear the answer.

11 THE WITNESS: I said a close third after  
12 child birth and the bar exam.

13 Q. During the years that you worked for Congressman  
14 Traficant, in general, what your duties?

15 A. Well, for the first few months that I worked there, I  
16 was the desk receptionist, so I just answered the phones.  
17 And that's where the thing went through the mail, and then  
18 shortly after I started working, one of the legislative  
19 assistants left, and I took over her duties. And  
20 basically, what the legislative assistant does is handles  
21 certain issues in the office, and I handled different  
22 issues at different times over the four years that I worked  
23 there, housing, international relations, community  
24 development, women's issues. I handled the science base  
25 and technology for awhile, and basically what you do is you

Foiani - Direct/Kall

1 draft bills for the Congressman.

2 You get help with that from legislative counsel, and  
3 then you try and attach it to some kind of vehicle to get  
4 it -- to get it made into law.

5 Q. As part of your duties with the Congressman, did the  
6 office also assist in what's known as constituent service  
7 work?

8 A. Our office was mainly a legislative office. We do --  
9 respond to constituent mail in our issue areas. And we did  
10 meet with constituents in our issue areas if the  
11 Congressman was unavailable to meet with them.

12 Q. During the time that you worked for Congressman  
13 Traficant, did you come to work on a constituent matter  
14 involving a constituent by the name of Pete Bucheit?

15 A. Yes, I did.

16 Q. When did this begin?

17 A. I don't remember exactly, probably a year into  
18 working there. I really don't remember, but it -- it  
19 seemed to last for maybe two years, the duration of the  
20 project.

21 Q. Who assigned you to work on this?

22 A. I'm not exactly sure. I assumed it was West. I was  
23 just given some documents and told to look them over, and I  
24 was being assigned, and I was assuming since West was my  
25 boss.

Foiani - Direct/Kall

1 Q. What's his full name?

2 A. Hayden West Richards.

3 Q. What was his position?

4 A. He was the press secretary and office manager.

5 Q. Could you briefly describe the nature of the dispute  
6 that Mr. Bucheit was having that you were asked to assist  
7 with?

8 A. Pete I was told was a constituent, who had a small  
9 construction company in Youngstown, Ohio. He had built a  
10 mall, a shopping mall in Saudi Arabia for a prince who was  
11 the brother to the king, and he was owed money. He was  
12 owed some money on work he had done for him, and the Saudi  
13 Government was asking for taxes, and he was basically in a  
14 bind, and he wanted some help. He couldn't get this prince  
15 to the bargaining table and really wanted to be paid for  
16 work he had done.

17 Q. And he being Pete Bucheit?

18 A. Yes.

19 Q. During the time that you worked for Congressman  
20 Traficant, did you handle many constituent service matters?

21 A. No.

22 Q. What's the biggest constituent service matter you  
23 handled in your years of employment with the Congressman?

24 A. This Bucheit case.

25 Q. How did you find out the background on the Pete

Foiani - Direct/Kall

1       Bucheit case?

2       A.     I was given some documents. I think they're the  
3       first of a few documents in this exhibit.

4       Q.     Was there a goal in mind?

5       A.     The goal was to get the prince or someone with  
6       authority to the bargaining table, to get this case  
7       settled.

8       Q.     Did Congressman Traficant get personally involved in  
9       this matter?

10      A.     Yes.

11      Q.     Without getting into any legislative actions that may  
12      have been taken, what was the strategy for getting Pete  
13      Bucheit his money?

14      A.     Mostly writing letters to different agencies in the  
15      Government, the Commerce Department, the State Department,  
16      to the Saudi embassy. Pete had also retained attorneys.  
17      We worked with them, writing lot of letters, getting the  
18      news out there that there was a problem here, and the  
19      strategy was to get this prince or someone with the  
20      authority to settle the case at the bargaining table.

21      Q.     Were you attempting to put pressure on the Saudis?

22      A.     Yes.

23      Q.     If I can ask you to look down at the exhibits in  
24      front of you, do you see the first one should be Exhibit  
25      7-1?

Foiani - Direct/Kall

1 A. Yes.

2 Q. Do you recall seeing -- do you recognize this?

3 A. Yes.

4 Q. What is it?

5 A. It would have been one of the letters I was given  
6 initially. Is this a letter from Pete Bucheit?

7 Q. You may want to take it out of the plastic. There's  
8 a -- several pages there?

9 A. This is a letter I would have been given when the  
10 case was given to me to handle.

11 Q. You received this in the ordinary course of your  
12 employment?

13 A. Yes.

14 MR. KALL: Your Honor, may I place this on  
15 the overhead?

16 THE COURT: Yes.

17 Q. What's the date on this letter?

18 A. March 15, 1990.

19 Q. And who was the letter from and to?

20 A. It is from Pete Bucheit to Congressman Traficant.

21 Q. And could I ask you just to read the first two  
22 paragraphs of that letter, please?

23 A. "This letter is to briefly outline for you the  
24 argument that is ongoing between Bucheit International and  
25 the Saudi royal family vis-a-vis the Government of Saudi."



Foiani - Direct/Kall

1 THE COURT: Could you read slower?

2 MR. TRAFICANT: Could you blow it up?

3 THE COURT: It's hard for the Court Reporter  
4 to keep up.

5 MR. TRAFICANT: Your Honor, I request that it  
6 be enlarged. Thank you.

7 THE WITNESS: Should I read that paragraph  
8 over again?

9 THE COURT: Yes.

10 THE WITNESS: "This letter is to briefly  
11 outline for you the argument that is ongoing between  
12 Bucheit International and the Saudi Royal Family;  
13 vis-a-vis, the Government of Saudi.

14 "In 1982, we signed a contract with HRH Prince  
15 Mishaal Bin Abdul Aziz, the third brother, to build a mall  
16 for \$36 million. Prince Mishaal always said he was not  
17 connected with the Government, but during the course of the  
18 job, he used his royal family influence to change laws to  
19 suit him and hurt Bucheit."

20 Q. If I could ask you to go forward now to the second  
21 page.

22 In the middle of that second page, is Pete Bucheit  
23 putting down the reasons he would like Congressman  
24 Traficant to get involved?

25 A. Yes. That's what it says.

Foiani - Direct/Kall

1 Q. Do you recall using this letter at all?

2 A. I probably read it over, but I don't know about using  
3 it.

4 Q. Did you use some of the information from it?

5 A. I'm sure I did.

6 Q. I'm going to ask you to look at the next exhibit,  
7 Exhibit 7-2. Do you see that in front of you?

8 A. Yes.

9 Q. What is this?

10 A. It's a letter from Congressman Traficant to James  
11 Baker, the Third, who was the Secretary of State.

12 MR. KALL: Your Honor, I believe this exhibit  
13 has been admitted. May I place it on the overhead.

14 THE COURT: It is.

15 MR. TRAFICANT: Your Honor, I ask the first  
16 exhibit be made a joint exhibit.

17 THE COURT: Fine.

18 Q. Who is this letter from and to, and what's the date?

19 A. This is a letter to James Baker, the Secretary of  
20 State, from Congressman Traficant, and the date is March  
21 19, 1990.

22 Q. And do you recall also seeing this letter during your  
23 work on the Bucheit case?

24 A. Yes.

25 Q. Is this a letter you drafted?

Foiani - Direct/Kall

1 A. No.

2 Q. Do you know who did based on what's on this letter?

3 A. Well, I assumed that Jackie Bobby drafted this letter  
4 because her initials are on it.

5 Q. What was the office custom for preparing letters for  
6 the Congressman's signature?

7 A. Sometimes he would dictate a letter, and sometimes he  
8 would tell me that he wanted a letter sent somewhere, and I  
9 would -- I would write it and send it out. He didn't  
10 always approve letters before they went out. He did read  
11 some of them, but he was in Youngstown a lot so he couldn't  
12 read everything. But, usually, I would give it to someone  
13 else in the office to edit before I sent it out.

14 Q. If I could ask you to just to read the body of this  
15 letter, Government's Exhibit 7-2?

16 A. "Bucheit International of my district has had an  
17 ongoing problem with HRH Company of Saudi Arabia.

18 "Our construction workers were held in Saudi Arabia  
19 for three months. HRH owes Bucheits millions of dollars,  
20 and now Bucheit received a notice of delinquent income tax  
21 owed to the Saudi Government on money Bucheit never  
22 received.

23 "Why do we need a State Department, Commerce  
24 Department, or an embassy if our citizens can't get help?

25 "Shame on you. Mr. Bucheit cannot even attend the

Foiani - Direct/Kall

1 hearing because he is scared."

2 Q. And shame on who, who is this letter directed to?

3 A. To the Secretary of State.

4 Q. I'm going ask you to look at 7-3, please. What is  
5 this?

6 A. This is a letter to Congressman Traficant from Pete  
7 Bucheit, dated March 21st, 1990.

8 Q. And are there several pages attached to this?

9 A. Yes, yes, there are.

10 Q. Do you recall seeing these during the course of your  
11 employment with Congressman Traficant?

12 A. Yes.

13 MR. KALL: Your Honor, may I place it on the  
14 overhead?

15 THE COURT: Yes.

16 Q. What type of document is this?

17 A. It's entitled Embarrassment Exhibit A.

18 MR. TRAFICANT: I ask it be made a joint  
19 exhibit.

20 THE COURT: Okay.

21 Q. And this was -- this document entitled Embarrassment  
22 Exhibit A was attached to a letter from Pete Bucheit?

23 A. Yes.

24 Q. That's what shows in the first page of Exhibit 7-3?

25 A. Yes.

Foiani - Direct/Kall

1 MR. TRAFICANT: Can you blow it up?

2 Q. Could you read the first paragraph of that letter,  
3 please?

4 A. You mean embarrassment or --

5 Q. Of the actual letter, please.

6 A. Okay. "I want to first of all tell you that I came  
7 away from the meeting with you on Monday feeling very  
8 confident that I could finally see some daylight in my  
9 struggle with the Saudis. When you summed up the meeting,  
10 you requested that I look into the legal possibility of  
11 getting you involved. I have done this, and I am certain  
12 that the international law is on our side."

13 Q. If you could read the next too please?

14 A. "You also wanted further information on facts to  
15 embarrass the Royal Family and said it could also embarrass  
16 Bucheit. That's okay because they can't do much more to  
17 me. Enclosed is the information and details to help you  
18 implement a strong attack."

19 Q. The document that's attached is entitled,  
20 "Embarrassment"?

21 A. Yes.

22 Q. And you received that from whom?

23 A. From Pete Bucheit.

24 Q. And was it part of the strategy to try to embarrass  
25 the Saudis?

Foiani - Direct/Kall

1 A. I believe so, yes.

2 Q. And did you use some of the information that was  
3 contained in this document in helping Mr. Bucheit?

4 A. I'm sure I did. I mean if this is all I had to work  
5 with, I'm sure I did. I haven't really read over this  
6 document again.

7 Q. If you'd look next at Government's Exhibit 7-7.

8 A. Okay.

9 Q. Do you recognize that?

10 A. It looks like something I might have written.

11 Q. In the course of your employment with the  
12 Congressman?

13 A. Yes.

14 MR. KALL: May I place this on the overhead,  
15 your Honor?

16 THE COURT: Yes.

17 Q. What type of document is this?

18 A. This is a letter to the Ambassador of Saudi Arabia  
19 from Congressman Traficant.

20 Q. And dated when?

21 A. June 8, 1990.

22 Q. And you said you believed you prepared this letter?

23 A. I think so.

24 Q. And do you know who Prince Bandar bin Sultan bin  
25 Abdul Aziz was?

Foiani - Direct/Kall

1 A. He was the ambassador from Saudi Arabia to the United  
2 States.

3 Q. Do you know if he had any relation with the Saudi  
4 Royal Family?

5 A. I believe he did. I'm not sure what it was. He was  
6 a brother or a nephew or something.

7 Q. Would you describe him as high ranking?

8 A. Yes.

9 Q. If I could ask you to read the middle three  
10 paragraphs, please.

11 A. Starting in February?

12 Q. Yes.

13 A. "In February, 1981, Buceit signed a contract with  
14 HRH Prince Mishaal bin Abdul Aziz to construct the Shola  
15 Shopping Center in Riyadh. Unfortunately, this venture has  
16 resulted in a dispute between the parties. Delays in  
17 obtaining the site, the addition of work not called for in  
18 the contract, detention of workers in the Kingdom,  
19 financing charges and the failure to release the  
20 construction equipment have resulted in claims against  
21 Prince Mishaal of \$11.5 million by the Buceit company.

22 "The Saudi Arabian Government has informed the  
23 Buceit company that income taxes are owed from the  
24 project. This tax claim cannot be resolved until the  
25 dispute between the Buceit Company and Prince Mishaal has

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1       been settled and the actual profit or loss from the project  
2       has been determined.

3               "I am requesting your assistance in bringing the  
4       parties together to work out a fair settlement of the  
5       claims. The Bucheit Company is willing to resolve these  
6       issues through negotiation. It would be in the best  
7       interest of our mutual relations if HRH Prince Mishaal  
8       could be persuaded to settle this long standing dispute."

9       Q.     And do you recognize the signature?

10      A.     I think that I probably signed that.

11      Q.     Was it your understanding that you were authorized to  
12      do that?

13      A.     Yes.

14      Q.     There's a number of facts stated in this letter  
15      regarding Bucheit's claim. Let me ask you this. Where  
16      were you getting the factual information from?

17      A.     I assumed from these documents that I was given it  
18      maybe from Pete Bucheit himself.

19      Q.     Did you do any independent research to verify whether  
20      the information you were getting from Pete Bucheit was true  
21      and accurate?

22      A.     No.

23      Q.     To your knowledge, did anyone in the office verify  
24      whether Pete Bucheit's side of the story was true?

25      A.     No.



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1 Q. I'm going to ask you to look at Government's Exhibit  
2 7-8. Do you recognize that?

3 A. It's a letter that I wrote.

4 Q. In the course of your employment with Congressman  
5 Traficant?

6 A. Yes.

7 MR. KALL: May I place this on the overhead,  
8 your Honor?

9 THE COURT: Yes.

10 MR. TRAFICANT: I ask the last exhibit be  
11 made a joint exhibit.

12 THE COURT: All right.

13 Q. Who is a letter from and to?

14 A. This is a letter from Congressman Traficant to Mary  
15 Helen Carlson, Legal Claims, the Department of State, to  
16 someone who worked in legal claims of the Department of  
17 State.

18 Q. When is it dated?

19 A. June 18th, 1990.

20 Q. If I could ask you to just read the last two  
21 paragraphs, please?

22 A. "Although Bucheit has pursued all remedies within  
23 Saudi Arabia in an attempt to settle this problem at the  
24 local level, its efforts have been futile. The company has  
25 not received fair treatment from the local Saudi judicial

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1 system and has been unable to get its confiscated equipment  
2 returned. Bucheit's only recourse is to attain the  
3 assistance of the United States in resolving this dispute.  
4 Under international law, the United States Government may  
5 take action against Saudi Arabia for denial of justice and  
6 expropriation.

7 "It is your responsibility to see that Bucheit is  
8 justly compensated by Prince Mishaal under international  
9 law since all local avenues have been exhausted. I request  
10 that you do everything in your power to negotiate a  
11 settlement for the company through diplomatic channels. I  
12 look forward to your expedient action in this matter."

13 MR. TRAFICANT: I ask it be made a joint  
14 exhibit.

15 MR. KALL: No objection, your Honor.

16 THE COURT: Fine.

17 MR. KALL: Your Honor, I note it's a little  
18 after 10:30. I do have a good amount yet to go with this  
19 witness. I don't know if you'd like to take a break now  
20 or --

21 THE COURT: It's a good time to take a break.  
22 We'll take a break for half an hour. You'll get a break  
23 too.

24 THE WITNESS: Okay.

25 (Thereupon, a recess was taken.)

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1 THE COURT: You're still under oath

2 BY MR. KALL:

3 Q. Before the break, we looked at a number of letters  
4 that you helped prepare. Do you recall that?

5 A. Yes.

6 Q. Did you receive any responses from the various people  
7 or entities that you were contacting?

8 A. Yes.

9 Q. Could I ask you to look at Exhibits 7-4, 7-5, and  
10 7-9.

11 MR. TRAFICANT: I ask that 7-8 be made a  
12 joint exhibit.

13 MR. KALL: We have no objection.

14 THE COURT: Yeah, that's fine.

15 A. You said 7-4?

16 Q. 7-4, 7-5 and 7-9?

17 A. Okay.

18 Q. Are these some of the responses that you received?

19 A. Yes.

20 Q. Who are they from?

21 A. One of them is from Janet Mullins, the assistant  
22 secretary for legislative affairs at the State Department.

23 Q. And that's Exhibit 7-4?

24 A. Yes. One is from Robert Mossbocker, the secretary of  
25 commerce.

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1 Q. And that's Exhibit 7-5?

2 A. Yes.

3 Q. Do you know who Mr. Mossbocker was, what his position  
4 was?

5 A. Yeah. I believe he was the secretary of commerce.

6 Q. And that would put him in the president's cabinet?

7 A. Yes.

8 Q. And the next one?

9 A. It's from Bander bin Sultan, the ambassador of Saudi  
10 Arabia, from Saudi Arabia.

11 Q. And that's Exhibit 7-9?

12 A. Yes.

13 Q. And these are letters that you received in the course  
14 of your employment?

15 A. Yes.

16 Q. Is it fair to say that the contacts you were making  
17 were getting the attention of these people?

18 A. Yes.

19 Q. Did you also have any meetings or telephone calls  
20 with some of these people or entities?

21 A. Certainly not with these high-level officials.

22 Q. Other people within those organizations, though?

23 A. Yes.

24 Q. Was Mr. Bucheit there for any of those meetings or in  
25 on those phone calls?

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1 A. Yes.

2 Q. Was he someone that you saw around the office on  
3 occasion?

4 A. Yes.

5 Q. How often?

6 A. I can't be sure. I did have pretty frequent contact  
7 with him. But I'm not sure if that was over the phone or  
8 whether he was at the office. So I really can't tell you  
9 how often he was in the office, but I did have contact with  
10 him, whether it was over the phone or at the office.

11 Q. But it was frequent contact with him one way or the  
12 other?

13 A. Yeah, it was pretty frequent. You know, depending on  
14 if something was happening or if we thought something was  
15 happening, you know.

16 Q. Did the State Department have a position on this  
17 dispute?

18 A. They were not very helpful. They felt that this was  
19 a matter to be resolved between two private parties, and  
20 that the Government should not be involved.

21 Q. Did the State Department ever indicate to you that  
22 they had other concerns?

23 A. I'm not sure if they indicated if they had other  
24 concerns, but we were in the middle of the person to go  
25 for, and we were at Saudi Arabia, so there were macro

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1 issues there, and I'm sure that they were concerned about  
2 that.

3 Q. I'm going to ask you to look at Exhibit 7-10. Do you  
4 recognize that?

5 A. It's a letter I wrote to Mary Helen Carlson at the  
6 State Department, the office of legal adviser.

7 Q. You wrote this as part of your employment for  
8 Congressman Traficant?

9 A. Yes.

10 Q. May I place this on the overhead, your Honor?

11 THE COURT: Yes.

12 MR. TRAFICANT: Would you blow it up?

13 Q. When is this letter dated?

14 A. September 10, 1990.

15 Q. Could I ask you to read the first paragraph of that  
16 letter?

17 A. "I was pleased to learn that Prince Mishaal of Saudi  
18 Arabia has agreed to meet with U.S. officials tomorrow to  
19 discuss the situation between him and Bucheit International  
20 of my district. Despite this positive step, however, I do  
21 not believe the prince will feel inclined to sit down and  
22 negotiate with Bucheit unless he feels overwhelming  
23 pressure to do so."

24 Q. Let me stop you there and more slowly read the third  
25 paragraph there.

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1       A.     "I truly believe that the only way to get the prince  
2       to sit down and negotiate is to put as much pressure on him  
3       as possible. A letter from the State department to the  
4       prince stating that the department has been informed of the  
5       situation and is in the process of reviewing international  
6       legal options to ensure that the situation is rectified may  
7       be the perfect catalyst to get the prince to the  
8       negotiating table."

9       Q.     Was that part of your office's strategy, to put as  
10      much pressure as possible?

11      A.     Yes.

12      Q.     Who developed that strategy?

13      A.     I'm not exactly sure who developed it. There were  
14      meetings with Pete Bucheit's attorneys, with me, with Carl  
15      Reiner from the Commerce Department, and sometimes the  
16      Congressman was also present, and that's -- that's pretty  
17      much where we came up with that strategy.

18      Q.     If I could ask to you take a look at the next  
19      document?

20                   MR. TRAFICANT: I ask it be made a joint  
21      exhibit.

22                   MR. KALL: We have no objection.

23      Q.     The next document is Government's Exhibit 7-11.

24                   THE COURT: Okay. Hold on.

25                   MR. KALL: I'm sorry.

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1 THE COURT: I think there were three  
2 exhibits. The last was 7-10. That's the one you're  
3 referring to?

4 MR. KALL: Yes, your Honor.

5 THE COURT: 7-10 is a joint exhibit.

6 MR. KALL: We also identified 7-4, 7-5, and  
7 7-9. I haven't put those on the overhead. You've got them  
8 in the book.

9 MR. TRAFICANT: Can you put them on the  
10 overhead?

11 MR. KALL: We're trying to move it along.

12 MR. TRAFICANT: Good.

13 Q. If I could ask to you look at Government's Exhibit  
14 7-11, do you recognize that?

15 A. This is a letter to the ambassador to Saudi Arabia.

16 Q. When is it dated?

17 A. September 26, 1990.

18 Q. Is this a letter that you prepared in the course of  
19 your employment?

20 A. I believe so.

21 MR. KALL: May I place this on the overhead,  
22 your Honor?

23 THE COURT: Yes.

24 BY MR. KALL:

25 Q. If I could just ask you to read the third paragraph



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1 of that letter?

2 A. "I want you to know that this is a case -- I want to  
3 you know that this case is important to me. It is not just  
4 a favor I am doing for a constituent. The documentation I  
5 have been furnished supports the claim that Prince Mishaal  
6 has avoided his contract obligations and has blocked the  
7 removal of the firm's equipment and records from Saudi  
8 Arabia. Unless the prince can counter this claim, I must  
9 assume that he is a dishonest man who enters into business  
10 arrangements as a private citizen and then uses his  
11 connections with the Royal Family to cheat small firms out  
12 of millions of dollars. I can have little respect for a  
13 man with such a lack of integrity."

14 Q. Is that your language?

15 A. I think it might be. I'm not sure. It does sound  
16 like something that I wrote that -- that I was try to go  
17 make it sound like something the Congressman would say, or  
18 maybe it's something the Congressman said. I'm not sure.

19 MR. TRAFICANT: Can the document be lifted to  
20 see the signature? Did you sign that --

21 THE COURT: Excuse me. You will have a  
22 chance to --

23 Q. Do you know who signed that document?

24 A. I think I did.

25 Q. Congressman Traficant ever give you instructions on

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1        what he wanted to be contained in certain letters?

2        A.        Yes.

3        Q.        Would you put what he requested into letters?

4        A.        Yes.

5        Q.        And the language in that third paragraph there, do  
6        you know if that was your language, his language, or some  
7        combination thereof?

8        A.        Probably a combination thereof.

9        Q.        In this letter, it states that he can have little  
10       respect for a man with such a lack of integrity, correct?

11       A.        Yes.

12       Q.        And this is talking about a person that would enter  
13       into private business arrangements with people, and then  
14       use his official position to take advantage of those  
15       people, correct?

16       A.        Yes.

17       Q.        In this paragraph, it also refers to documentation  
18       that you've been furnished. What documentation had your  
19       office received?

20       A.        Where -- did I read that? Oh, yeah.

21       Q.        It's in about the second line of that third  
22       paragraph.

23       A.        That's just probably all the prior, you know, paper  
24       that I had on this.

25       Q.        Where did you receive that from?



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1 A. From Pete Bucheit probably.

2 Q. And this letter was also part of the plan to put as  
3 much pressure as possible on the Saudis?

4 A. Yes.

5 Q. If I can ask to you look at Exhibit 7-12, do you  
6 recognize that?

7 A. This is a letter to David Mack, Deputy Assistant  
8 Secretary for Near Eastern Affairs, I believe, at the State  
9 Department. I believe I probably wrote this.

10 Q. In the course of your employment?

11 A. Yes.

12 MR. KALL: May I place this on the overhead,  
13 your Honor?

14 THE COURT: Yes.

15 Q. How high up would Mr. Mack be being a deputy  
16 assistant secretary?

17 A. Pretty high up.

18 Q. If I could ask you just to read, starting with,  
19 "enough is enough."

20 A. "Enough is enough. It is time for you to, the State  
21 Department, to put some pressure on the Saudi Royal Family.  
22 We cannot fight this battle alone. We have learned from  
23 experience that any pressure or overtures directed at  
24 Prince Mishaal are useless. Unless we bring this matter  
25 directly to the attention of King Faud or another

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1 influential member of the Saudi family Bucheit is never  
2 going to have a fair deal."

3 Q. By this point, October 18th of 1990, had you been  
4 able to get any results for Mr. Bucheit yet?

5 A. I assumed not, judging from this letter.

6 Q. And were you attempting to ratchet up the pressure  
7 yet again?

8 A. Yes.

9 Q. You recall whose idea was it to try to get the King  
10 of Saudi himself involved?

11 A. No.

12 Q. But you are asking the State Department to contact  
13 the King of Saudi Arabia regarding this?

14 A. Yes.

15 Q. If I could ask you to look at --

16 MR. TRAFICANT: Ask it be made a joint  
17 exhibit.

18 MR. KALL: No objection.

19 Q. Exhibit 7-14?

20 A. Okay.

21 Q. Do you recognize that?

22 A. It's a letter that I probably wrote.

23 Q. To whom?

24 A. To the honorable Charles Friedman, who was the U.S.  
25 ambassador to Saudi Arabia.

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1 Q. And you prepared this in the course of your  
2 employment?

3 A. I believe so.

4 MR. KALL: May I put this on the overhead,  
5 your Honor?

6 THE COURT: Yes.

7 BY MR. KALL:

8 Q. First paragraph of this letter refers to a meeting  
9 that was held, correct?

10 A. Yes.

11 Q. Do you recall that meeting?

12 A. No.

13 Q. Do you recall in general meetings that your office  
14 held with various people regarding Mr. Bucheit?

15 A. I do remember one meeting with a man -- a man with a  
16 turban on his head, but that was really the only meeting  
17 where I remember a Saudi person being there.

18 But we did have meetings just among ourselves to  
19 determine what we should do to get a settlement.

20 Q. And I'd like to ask you to read the fifth paragraph,  
21 the second to the last paragraph there of this letter,  
22 please?

23 A. "It is my understanding past and recent cables sent  
24 to Saudi Arabia by the Saudi embassy recommended a \$3.9  
25 million settlement for Bucheit International. \$1.6 million

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1 to be paid directly to Bucheit and \$2.3 million to be  
2 deducted from the settlement amount for the purpose of  
3 resolving all tax liability incurred by Bucheit."

4 Q. Do you recall how those numbers were arrived at?

5 A. No.

6 Q. Do you recall if that's what Mr. Bucheit was asking  
7 for?

8 A. I assumed that's what he was asking for.

9 Q. This conflict, the assistance your office provided  
10 Mr. Bucheit continued into 1991?

11 A. Yes.

12 MR. TRAFICANT: I ask that be made an exhibit  
13 7-14.

14 MR. KALL: A joint exhibit.

15 MR. TRAFICANT: A joint exhibit.

16 THE COURT: Fine.

17 BY MR. KALL:

18 Q. Did you continue to contact people into 1991?

19 A. Yes.

20 Q. If I could ask you to look at Government's Exhibit  
21 7-15. Do you recognize this?

22 A. Yes.

23 Q. What is it?

24 A. It's a letter to Alan Weiner, Office of International  
25 Claims at the State Department signed by Congressman

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1       Traficant -- not signed by Congressman Traficant, but it's  
2       from him.

3       Q.     And was this letter prepared in the course of your  
4       employment?

5       A.     Yes.

6                   MR. KALL:  May I put this on the overhead,  
7       your Honor?

8                   THE COURT:  Yes.

9       Q.     If I could just ask to you read the last two  
10      paragraphs, please?

11      A.     "As a result, I request that the United States sue  
12      Saudi Arabia under international law for denial of justice.  
13      Prince Mishaal has used his position as senior member of  
14      the Saudi Royal Family to cheat Bucheit out of millions of  
15      dollars.  In addition, it seems obvious that all legal  
16      remedies have been exhausted.

17               "Prince Mishaal considers himself above the law, and  
18      it is time for him to pay for his deceit.  Thank you for  
19      your time and cooperation.  I look forward to your  
20      expeditious espousal of Bucheit's claim."

21                   MR. TRAFICANT:  Ask it be made a joint  
22      exhibit.

23                   MR. KALL:  No objection.

24                   THE COURT:  All right.

25      Q.     Essentially in this letter, your office is asking the



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1 United States Government to sue Saudi Arabia on behalf of  
2 Mr. Bucheit?

3 A. Yes.

4 Q. Do you recall who came up with that strategy?

5 A. No.

6 Q. Would that be something you would come up with alone?

7 A. No.

8 Q. At this time, did you give any consideration to how  
9 this would affect the relationship between the United  
10 States and Saudi Arabia in January of 1991?

11 A. No.

12 Q. Could I ask to you look at Government's Exhibit 7-17.  
13 Do you recognize that?

14 A. Looks like a press release.

15 Q. Was this the general format of press releases from  
16 your office?

17 A. Yes.

18 Q. And was this something you saw in the course of your  
19 employment?

20 A. Press releases? You mean this particular press  
21 release? I probably --

22 Q. Is it fair to say this would be part of your office's  
23 strategy, putting pressure on the Saudis?

24 A. Yes.

25 Q. But you don't recall seeing this one specifically?

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1 A. No.

2 Q. How about Exhibit 7-18, do you recall that?

3 A. It looks like something that I wrote.

4 Q. In the course of your employment?

5 A. Yes.

6 Q. And what type of document is it?

7 A. A letter to the Honorable Salah Rajhy, First  
8 Secretary, Embassy of Saudi Arabia, so I assume someone in  
9 the ambassador's office --

10 MR. KALL: May I place this on the overhead,  
11 your Honor?

12 THE COURT: Yes.

13 Q. If I could ask you to read the first paragraph --  
14 first two paragraphs, please?

15 A. "I am pleased to hear you have begun negotiations  
16 with Bucheit International. On behalf of HRH Prince  
17 Mishaal bin Abdul Aziz regarding the contract dispute  
18 between the two parties. I have always believed that the  
19 Saudi Arabian people are a people of integrity and honesty,  
20 and that Prince Mishaal is not representative of the Saudi  
21 Royal Family.

22 "Mr. Bucheit briefed me on the issues discussed at  
23 your March 6, 1991, meeting. I understand he has provided  
24 with you a list of claims against Prince Mishaal, and after  
25 review of the material, you agreed to contact him during

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1 the week of March 10, 1991, to continue your negotiations."

2 Q. The second paragraph refers to a meeting or a  
3 briefing that Mr. Bucheit gave to the Congressman, do you  
4 recall that?

5 A. No.

6 Q. Were you part of this meeting?

7 A. Probably. I don't remember. If it was in  
8 Washington, I was probably in on it.

9 Q. There were a number of meetings though that were  
10 held?

11 A. I believe so, yes.

12 Q. If I could ask you to look at the next document,  
13 Exhibit 7-19?

14 MR. TRAFICANT: I ask that be a joint  
15 exhibit.

16 THE COURT: Fine.

17 Q. Do you recognize Exhibit 7-19?

18 A. This is a response from Saleh al-Rajhy, the person at  
19 the embassy in Saudi Arabia.

20 Q. This is a response dated March 20, 1991, the letter?

21 A. Yes.

22 Q. Do you recall seeing this in the course of your  
23 employment?

24 A. Well, I don't recall seeing it, but I'm seeing it  
25 now.

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1 Q. Are the Saudis taking a contrary position to what  
2 you'd been telling them?

3 A. Let me just look it over real quick.

4 Q. If you could just read the first two paragraphs?

5 A. Okay. "Thank you for your letter dated March 20,  
6 1991. We are pleased to inform you that we have met with  
7 Mr. Bucheit. We would, however, like to clarify we are not  
8 negotiating with Mr. Bucheit on behalf of HRH Prince  
9 Mishaal bin Abdul Aziz, as you have indicated in your  
10 letter. Our role in this matter does not differ from your  
11 own; namely, to attempt to find a fair resolution to the  
12 disputes, which exist between your constituent and citizen  
13 of Saudi Arabia. We have clearly stated to Mr. Bucheit  
14 that the embassy is not a party to this dispute. We have  
15 reviewed all the documents submitted by Mr. Bucheit and  
16 have further discussed with him, at great length, the  
17 different aspects of the case. Based on the information he  
18 has provided us thus far and the conversation which we have  
19 had with him, we feel his claim is greatly exaggerated and  
20 not based on a logical premise and foundation. Our legal  
21 adviser has informed Mr. Bucheit of our finding."

22 Q. So you can stop there. So the Saudis were telling  
23 your office that they felt Mr. Bucheit had exaggerated his  
24 claims?

25 A. Yes.

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1 Q. Did your office continue to help Mr. Bucheit?

2 A. Yes.

3 Q. Did you do any research or investigation to try to  
4 determine whether the Saudis were right or Mr. Bucheit was  
5 right?

6 A. No.

7 Q. If I could ask you to look at Exhibit 7-20, please?

8 A. Okay.

9 Q. Is this another letter that your office sent?

10 A. Yes.

11 Q. You prepared this in the course of your employment?

12 A. Yes.

13 Q. And was this part of the overall plan to ratchet up  
14 the pressure on the Saudi Arabian Government?

15 A. Yes.

16 Q. On behalf of Mr. Bucheit?

17 A. Yes.

18 Q. If I could ask you to look at Exhibit 7-21?

19 MR. TRAFICANT: I ask that 7-19 and 7-20 be  
20 made joint exhibits.

21 THE COURT: All right.

22 Q. Do you recognize 7-21?

23 A. Yes.

24 Q. What is it?

25 A. It's a letter to the Secretary of State, James Baker,

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1 from Congressman Traficant.

2 Q. Did you prepare this in the course of your  
3 employment?

4 A. Yes.

5 MR. KALL: May I put this on the overhead,  
6 your Honor?

7 THE COURT: Yes

8 BY MR. KALL:

9 Q. Do you see some handwritten notes on this letter?

10 A. Yes.

11 Q. Whose handwriting is that?

12 A. That looks like Congressman Traficant's handwriting.

13 Q. And what did he write on there?

14 A. "Read this case, our Government should be ashamed."

15 Q. And that's to the Secretary of State, correct?

16 MR. TRAFICANT: Would you enlarge it?

17 THE WITNESS: Yes.

18 MR. TRAFICANT: I ask it be made a joint  
19 exhibit.

20 THE COURT: All right.

21 Q. Do you know why your office -- withdrawn.

22 Why would handwritten notes be placed on a letter  
23 such as this?

24 A. Probably to make it seem more important.

25 Q. If I could ask you just to read the last paragraph?

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1       A.       "I have enclosed the affidavit for you to review. I  
2       would hope that you would bring this sort of treachery to  
3       the attention of King Faud the next time that you meet with  
4       him."

5       Q.       So your office is asking the Secretary of State,  
6       James Baker, to contact the King of Saudi Arabia regarding  
7       Pete Bucheit?

8       A.       Yes.

9       Q.       In the third paragraph of this letter, it mentions  
10      some people and entities that were also involved in this  
11      dispute. Do you see that?

12      A.       Yes.

13      Q.       Let me ask you this: Who is most active in going to  
14      bat for Pete Bucheit?

15      A.       Congressman Traficant.

16      Q.       Was it even a close call compared to Senator Glenn,  
17      the Commerce Department, the State Department, or  
18      Congressman Hamilton?

19      A.       No. I would say the Commerce Department was very,  
20      very helpful, but this was definitely Congressman  
21      Traficant's baby.

22      Q.       If I could ask you to look at Exhibit 7-22.

23      A.       Okay.

24      Q.       Do you recognize it?

25      A.       This is a letter to the first secretary and counselor

Foiani - Direct/Kall

1 at the royal embassy of Saudi Arabia from Congressman  
2 Traficant.

3 Q. Is this a letter you would have prepared in the  
4 course of your employment?

5 A. Yes.

6 MR. KALL: May I place this on the overhead,  
7 your Honor?

8 THE COURT: Yes.

9 Q. When is it dated?

10 A. July 16th, 1991.

11 Q. If I could ask you just to read the first paragraph  
12 and the third paragraph?

13 A. "Since I" --

14 MR. TRAFICANT: Could you blow it up?

15 THE WITNESS: "Since I could not reach you by  
16 phone, I find it necessary to inform you in writing that if  
17 I do not hear of significant progress being made on the  
18 Bucheit versus Prince Mishaal bin Abdul Aziz case by your  
19 embassy by this Wednesday, July 17, 1991, I will speak with  
20 Congressman Lee Hamilton, the chairman of the subcommittee  
21 on Europe and Middle East about setting a hearing date  
22 regarding the Bucheit claims against Prince Mishaal and  
23 related claims during early September of this year."

24 Q. Without getting into whether any hearings were  
25 actually held, was your office threatening to hold hearings



Foiani - Direct/Kall

1 relating to this dispute?

2 A. Yes.

3 MR. TRAFICANT: Ask it be made a joint  
4 exhibit.

5 THE COURT: Fine.

6 MR. KALL: No objection.

7 Q. If you can next look at Government's Exhibit 7-23?

8 A. Okay.

9 Q. Do you recognize it?

10 A. This is a letter to the ambassador from Saudi Arabia,  
11 Prince Bandar.

12 Q. Is this something you prepared in the course of your  
13 employment?

14 A. Yes.

15 MR. KALL: May I place this on the overhead?

16 Q. What are you asking for in this letter?

17 A. An audience with King Faud to discuss matters  
18 relating to international commerce.

19 Q. What was the matters of international commerce?

20 A. I assumed that it's the Bucheit case.

21 Q. If I could ask you to look at the next exhibit, which  
22 would be Exhibit 7-24(1).

23 Do you recognize this?

24 A. Yes.

25 Q. What is it?

Foiani - Direct/Kall

1 A. It's a letter to the Secretary of State, James Baker,  
2 from Congressman Traficant.

3 Q. Is this something you prepared in the course of your  
4 employment?

5 A. I believe so.

6 Q. And when is it dated?

7 A. September 27, 1991.

8 Q. And this is another part of your office's attempt to  
9 get the State Department involved for the Bucheits?

10 A. Yes.

11 Q. Was there a response to this letter?

12 A. Yes.

13 Q. Would you look at the next exhibit, Government's  
14 Exhibit 7-24(2)?

15 MR. TRAFICANT: Ask it be made a joint  
16 exhibit, 24(1).

17 THE COURT: All right.

18 Q. Is Exhibit 7-24(2) the response that you received?

19 A. Yes.

20 Q. So your prior letter had definitely gotten the  
21 attention of the State Department?

22 A. Yes.

23 Q. If you'd look at the next document, Government's  
24 Exhibit 7-25, do you see that?

25 A. Yes.

Foiani - Direct/Kall

1 Q. What is it?

2 A. It's a letter from Congressman Traficant to the king,  
3 King Faud of Saudi Arabia.

4 Q. Is this something that you prepared in the course of  
5 your employment?

6 A. Yes.

7 MR. KALL: May I place this on the overhead,  
8 your Honor?

9 THE COURT: Yes.

10 MR. TRAFICANT: I ask that 7-24(2) be made a  
11 joint exhibit.

12 THE COURT: Fine.

13 BY MR. KALL:

14 Q. If I could just ask you to read the first and third  
15 paragraph?

16 A. "I should like to request the honor of petitioning  
17 His Majesty in his sovereign tradition of the Majlis and  
18 submit this communication for acceptance in lieu of a  
19 personal appeal.

20 "For the past year and a half, I've been working  
21 with your embassy here in Washington, D.C. and the U.S.  
22 Embassy in Riyadh to get this dispute resolved through  
23 negotiation or submission of the matter to arbitration as  
24 required by contract. Yet, I have met with nothing but  
25 delays by Saudi Embassy officials."

Foiani - Direct/Kall

1 Q. Based on the language of this letter, can you tell  
2 whether or not there was ever a personal meeting with the  
3 king?

4 A. I don't think there was.

5 Q. But you're writing this letter as part of your  
6 attempt to help Mr. Bucheit, right?

7 A. Yes.

8 Q. The next document, do you see Government's Exhibit  
9 7-26?

10 A. Yes.

11 Q. What is this?

12 A. I believe that that meeting where the person with the  
13 turban came to the office, this is something that we would  
14 have liked him to sign because these were the things that  
15 we wanted. And -- or that Pete Bucheit wanted, and -- but  
16 they didn't sign it.

17 Q. What type of a document is it?

18 A. It's a memorandum of understanding between Bucheit  
19 International and the Government of Saudi Arabia.

20 Q. Is this something you saw during the course of your  
21 employment?

22 A. Yes. I may have even drafted it.

23 MR. KALL: May I place this on the overhead,  
24 your Honor?

25 THE COURT: Certainly.

Foiani - Direct/Kall

1 BY MR. KALL:

2 Q. This refers to a December 18, 1991 meeting, correct?

3 A. Yes.

4 Q. And it talks about a number of people that were in  
5 attendance at that meeting?

6 A. Yes.

7 Q. Including Congressman Traficant, Mr. Bucheit,  
8 representative of the State Department, representative of  
9 the Saudi Government?

10 A. Um-hum.

11 Q. Could I ask you to read the next section pursuant  
12 to -- just read the heading and paragraphs 1 and 3?

13 A. "Pursuant to the meeting held on of the above date,  
14 the parties present have agreed to the following terms:

15 1. The Government of Saudi Arabia agrees to settle  
16 all claims brought against HRH Prince Mishaal bin Abdul  
17 Aziz by Bucheit International Corporation."

18 Q. I'm sorry, paragraph 2?

19 A. "2. The Government of Saudi Arabia further agrees to  
20 compensate Bucheit International Corporation in the sum of  
21 \$3.9 million by date," in parentheses.

22 THE COURT: You need to slow down when you  
23 read, please.

24 THE WITNESS: Okay.

25 "3. Bucheit International Corporation agrees to

Foiani - Direct/Kall

1 deduct \$2.3 million from the \$3.9 million settlement amount  
2 for the purpose of settling and resolving any and all tax  
3 liability incurred by Bucheit International Corporation."

4 Q. And this memorandum of understanding, it's unsigned,  
5 correct?

6 A. Yes.

7 Q. Do you know if they ever were actually able to reach  
8 a settlement at that conference?

9 A. No.

10 Q. The numbers that were on there that you just read?

11 A. They did not reach a settlement at this conference.  
12 I don't think they did.

13 Q. Okay. The numbers that were just read, were these  
14 numbers -- where did these numbers come from?

15 A. Probably from Pete Bucheit.

16 Q. Did your office continue to assist Mr. Bucheit into  
17 1992?

18 A. Yes.

19 Q. If I can ask you to look at Government's Exhibit  
20 7-28, do you recognize that?

21 A. It's a letter to the State Department to Eugene  
22 McAllister, Assistant Secretary of State for Economic and  
23 Business Affairs.

24 Q. At the State Department?

25 A. Yes.

Foiani - Direct/Kall

1 Q. And when is it dated?

2 A. August 19, 1992.

3 Q. Was this part of the ongoing strategy to try to help  
4 Pete Bucheit?

5 A. Yes.

6 MR. TRAFICANT: I ask that 7-25(3), 7-26 and  
7 7-28 be made joint exhibits.

8 MR. KALL: Your Honor, we have no objection.  
9 Just note there was no 7-25(3). It's 7-25, 7-26, and 7-28.

10 THE COURT: Okay. Is that all right then?

11 MR. TRAFICANT: That's fine.

12 THE COURT: 7-25, 7-26 and 7-28.

13 Q. Do you recognize 7-29?

14 A. It looks like a press release.

15 MR. KALL: Your Honor, this has already been  
16 admitted. May I place it on the overhead?

17 THE COURT: Yes.

18 MR. TRAFICANT: I ask it be made a joint  
19 exhibit.

20 THE COURT: Fine.

21 Q. To your knowledge, did Pete Bucheit eventually reach  
22 some kind of resolution with the Saudis?

23 A. Yes.

24 Q. And Exhibit 7-29, what is that?

25 A. This is a press release from our office talking about

Foiani - Direct/Kall

1 the fact that the case has been settled between Prince  
2 Mishaal and Pete Bucheit.

3 Q. Do you know what the terms of the settlement were?

4 A. No.

5 Q. Were you there at the time it was resolved?

6 A. I believe that I was home for Christmas at the time,  
7 and I was just told when I came back to the office that it  
8 had been resolved for an undisclosed amount.

9 Q. So you never found out if he got the \$3.9 million?

10 A. No.

11 Q. Based on the contact you've had with all the people  
12 we talked about today, is there any question in your mind  
13 that Congressman Traficant's assistance was the reason the  
14 Saudis settled with Pete Bucheit?

15 A. No, no question.

16 Q. Was Pete Bucheit the only businessman that had claims  
17 against the Saudi prince?

18 A. No. There were several other companies that when  
19 they found out that we were -- we had taken on this kind of  
20 case, contacted the office to tell us they had had some  
21 problems.

22 Q. This press release is dated December 30, 1992. When  
23 did you leave Congressman Traficant's employ?

24 A. In August of 1993.

25 Q. During the time from December 30 of '92 until you



Foiani - Direct/Kall

1 left Congressman Traficant's office, did you do any work to  
2 assist these other businessmen that had disputes with the  
3 Saudis?

4 A. No.

5 Q. We've looked at a number of documents today. Are  
6 those the entire universe of documents that your office  
7 received or sent regarding the Bucheit dispute?

8 A. No.

9 Q. It doesn't also reflect the meetings or telephone  
10 calls that your office might have held, does it?

11 A. No, there were a lot documents.

12 Q. After the settlement, did you ever see Pete Bucheit?

13 A. Yes.

14 Q. Did he seem pleased with the settlement?

15 A. Yes.

16 Q. After the settlement, how did you feel about your  
17 role?

18 A. Very proud to have worked on it.

19 Q. Why?

20 A. Because it had been settled, and I worked long and  
21 hard on it for two years.

22 Q. You felt you had done something good?

23 A. Yes.

24 Q. Did you think there was anything wrong with what you  
25 had done at that time?

Foiani - Direct/Kall

1 A. No.

2 Q. During the time you were employed by Congressman  
3 Traficant, were you aware of any rules regarding accepting  
4 things of value in return for your official acts?

5 A. Yes. I was told that the staffers could not take  
6 gifts valued at over \$75.

7 Q. Did Pete Bucheit ever offer you anything of value?

8 A. No.

9 Q. Would you have accepted it?

10 A. No.

11 Q. Why not?

12 A. Because it's illegal.

13 Q. Did Congressman Traficant ever tell you that within a  
14 few months after the Bucheit dispute was resolved, Pete  
15 Bucheit sent carpenters out to his farm to do work?

16 A. No.

17 Q. Did Congressman Traficant ever tell you that he asked  
18 those carpenters to make substantial improvements to his  
19 farmhouse?

20 MR. TRAFICANT: Objection for the record  
21 only.

22 THE COURT: You can answer.

23 THE WITNESS: No.

24 Q. Did Congressman Traficant ever tell you that he  
25 failed to pay people, in fact, for the work that was done

Foiani - Cross

1 at his farmhouse?

2 A. No.

3 MR. KALL: If I could have a moment. No  
4 further questions at this time, your Honor.

5 THE COURT: Congressman, you may inquire.

6 CROSS-EXAMINATION OF LUCIA IANNANDREA FOIANI

7 BY MR. TRAFICANT:

8 Q. How are you doing, Lucia?

9 A. Okay.

10 Q. You had trouble with that water this morning, didn't  
11 you?

12 A. I did.

13 Q. How many children do you now have?

14 A. I have two.

15 Q. And you're an attorney?

16 A. I am, but I never practiced.

17 Q. You've chosen to raise your children, to be a  
18 housewife?

19 A. Yes.

20 Q. Can you hear me well enough with a throat lozenger?

21 A. Yes.

22 Q. I may start from the reverse.

23 A. Okay.

24 Q. The Government asked you if other companies called  
25 our office seeking our assistance with the Saudis; is that

Foiani - Cross

1 correct?

2 A. That's correct.

3 Q. Were any of them from my district?

4 A. No.

5 Q. Where were they from?

6 A. I don't remember, but they were definitely not from  
7 your district. They were from other -- obviously other  
8 United States cities. I don't know where, though.

9 Q. What, if anything, did they say to you, and why did  
10 they call?

11 A. Well, I guess the case was getting shown national  
12 attention, and they -- they had heard about it, and they  
13 were just calling to say we've had similar problems, and I  
14 don't -- I'm not supposed to get into hearings or anything.

15 Q. Did any of the companies tell you how much money  
16 their claims were against --

17 A. I don't remember.

18 Q. And did Senator Glenn's staff get involved?

19 A. Yes. He -- I forwarded him some information, and he  
20 did make remarks on the floor of the Senate.

21 Q. But isn't it a fact that I was the key?

22 A. Yes.

23 Q. Did I not, in fact, suggest to Bucheit that they, in  
24 fact, file a civil RICO charge against the prince and take  
25 his passport away?



Foiani - Cross

- 1 A. I don't remember that.
- 2 Q. You were proud when the settlement came up, weren't  
3 you?
- 4 A. Yes.
- 5 Q. Did you work hard?
- 6 A. I did.
- 7 Q. Most of those letters that were sent, who signed  
8 them?
- 9 A. Me.
- 10 Q. Now, the ones that were sent to Secretary Baker, who  
11 signed them?
- 12 A. I'm not sure. Did you sign them? You or West. I  
13 know you signed a couple of them.
- 14 Q. Was it unusual for me when a constituent hit a  
15 roadblock that I'd get involved?
- 16 A. That was very typical of you.
- 17 Q. Typical?
- 18 A. Well, you always struck me as a congressman who  
19 really cared for his district and his constituents.
- 20 Q. Did Saudi Arabia have a key role in commerce with the  
21 United States of America?
- 22 A. Yes.
- 23 Q. What was their greatest commodity value?
- 24 A. Their greatest commodity value, oil or --
- 25 Q. Do you have any knowledge from your position working

Foiani - Cross

1 in Congress how much oil that America imports?

2 A. I really don't know, a lot.

3 Q. You know if some of it comes from Saudi Arabia?

4 A. Yes, I think it does.

5 Q. Did the State Department help us?

6 A. Not really.

7 Q. Did the Commerce Department help us?

8 A. They were pretty helpful. I thought they were pretty  
9 helpful.

10 Q. They tried, huh?

11 A. Yeah.

12 Q. Did Secretary Baker respond to us?

13 A. He may have responded as a courtesy, but I don't know  
14 of him doing anything really substantial.

15 Q. Isn't it a fact that if we did not push this matter,  
16 Mr. Bucheit would still be waiting for his payment?

17 A. Yes.

18 Q. Did I ever ask you to do anything wrong?

19 A. No.

20 Q. Did you ever see me do anything wrong?

21 A. No.

22 Q. Did you ever ask me to ask any of our staff to do  
23 anything wrong?

24 A. No.

25 Q. Did my staff fear me?

Foiani - Cross

- 1 A. No.
- 2 Q. Was I a touchy-feely guy?
- 3 A. Yes.
- 4 Q. At times?
- 5 A. Well, you would give people hugs and stuff, that's
- 6 what I mean, friendly.
- 7 Q. Who would I hug?
- 8 A. Everyone.
- 9 Q. You know if I hugged Prince Bandar?
- 10 A. I don't -- I don't think so. I don't know. I don't
- 11 know if you met with Prince Bandar.
- 12 Q. Did I hug the members that come into the meetings
- 13 from the Department of Commerce?
- 14 A. No. I think maybe just people you knew.
- 15 Q. Would you say that people that were my friends?
- 16 A. Yes.
- 17 Q. Did my friends fear me?
- 18 A. No.
- 19 Q. Are you currently still married?
- 20 A. Yes.
- 21 Q. What's your husband's name?
- 22 A. Donald Lewis -- well we call him Lewis.
- 23 Q. How many children do you have now?
- 24 A. We have two.
- 25 Q. Did you consider your work with me as being a helpful



Foiani - Cross

1 experience to you in your career?

2 A. I really never worked again after I worked for you  
3 because I went to law school, got married, got pregnant,  
4 but definitely, I worked hard there, and I think I did  
5 great work there.

6 Q. Were you the person responsible for international  
7 relations and affairs?

8 A. I was responsible for international affairs.

9 Q. Was Mr. Bucheit's case a part of your description of  
10 duties?

11 A. Yes, it was assigned to me.

12 Q. Did you ever question me as to Mr. Bucheit's honesty?

13 A. No.

14 Q. Did you ever question any of the documents that he  
15 presented to us?

16 A. No.

17 Q. Did he, in fact, present documents?

18 A. I don't remember who gave me these documents. It  
19 might have been someone else in the office, the initial  
20 documents.

21 Q. In your work with this case, did you come to  
22 understand that the Saudis had a different type of legal  
23 system than America?

24 A. Yes.

25 Q. To the best of your knowledge, what type of legal

Foiani - Cross

1 system did they have?

2 A. A dictatorship, I don't know, not democratic.

3 Q. Well, could the prince tell the king what to do?

4 A. Well, from what I understood -- and this is just  
5 based on Pete Bucheit told me, you know -- he was able  
6 to --

7 MR. KALL: Objection, your Honor.

8 THE COURT: Sustained. We just need to know  
9 what you know.

10 THE WITNESS: Okay.

11 Q. Who was in charge of Saudi Arabia?

12 A. The king.

13 Q. Was the king the boss?

14 A. He's the boss.

15 Q. Was the prince the boss?

16 A. No.

17 Q. Now, if you have a dispute with someone, do you go to  
18 the boss?

19 A. No. I don't think so.

20 Q. If you find no resolution at any point, do you  
21 ultimately go to the boss?

22 A. You're talking about do you go to the king? Well, to  
23 the boss, I guess so.

24 Q. Did we have any satisfaction at any level in America  
25 on the Bucheit case?

Foiani - Cross

1 A. No.

2 Q. Did we have any satisfaction with anybody in the  
3 Government of Saudi Arabia?

4 A. No.

5 Q. Who was left to contact?

6 A. You. Who was left to contact?

7 Q. In Saudi Arabia?

8 A. The king or --

9 Q. Did I contact the King of Saudi Arabia?

10 A. You wrote him a letter.

11 Q. Was Pete Bucheit my constituent?

12 A. Yes.

13 Q. You know if there was a response from the king?

14 A. I don't recall.

15 MR. TRAFICANT: I would like to have document  
16 7-1 since you have it readily available to put back up on  
17 the screen.

18 Q. Do you know if Hitachi is an American firm or  
19 Japanese firm?

20 MR. KALL: Objection.

21 THE WITNESS: I don't know. I don't know  
22 where it's from.

23 THE COURT: It's all right. Don't worry  
24 about it. It's not exactly relevant.

25 BY MR. TRAFICANT:

Foiani - Cross

1 Q. Was I an active Congressman, Lucia?

2 A. Oh, yeah.

3 Q. Did I pass a lot of amendments?

4 A. Yes.

5 Q. Would you read Paragraph 3?

6 A. "At the end of the project, he was holding \$7 million  
7 retainage and refused to let our workers leave the country  
8 unless I agreed to forget all my claims for extras and pay  
9 his engineer bill of \$1 million. We refused the solution,  
10 and after a meeting in Washington set up by Senator Glenn  
11 in the office of Prince Bandar bin Sultan, we agreed to  
12 enter into a settlement agreement. Our workers were  
13 released after three months of confinement to our camp."

14 Q. Thank you.

15 Did the Government ask you to read that paragraph  
16 earlier?

17 A. No.

18 Q. So basically, Senator Glenn had a meeting with the  
19 prince himself, correct?

20 A. With the ambassador, yes.

21 Q. Well, who was the ambassador?

22 A. Prince Bandar.

23 Q. Was he a big shot?

24 A. Oh, yes.

25 Q. Was there any settlement after that?

Foiani - Cross

1       A.     Well, it seems that there was some kind of  
2       settlement, but it wasn't enough.  "Our workers were  
3       released after three months of confinement to our camp."  
4       Looks like they settled something but not the rest.

5       Q.     Do you know if Pete Bucheit was Senator Glenn's  
6       constituent?

7       A.     Yes, he was.

8       Q.     Now, they asked you if I would dictate letters.

9       A.     Yes.

10      Q.     Were there times when I was in Youngstown that you  
11      drafted letters regarding the Bucheit case that I didn't  
12      dictate?

13      A.     Yes.

14      Q.     Did you draft those letters basically on the  
15      understanding of the ongoing problem?

16      A.     Yes.

17      Q.     And did you feel it necessary to continue to put the  
18      pressure on?

19      A.     Yes.

20      Q.     Did you agree with the strategy?

21      A.     Yes.

22      Q.     If there was no strategy, would we come to any  
23      conclusion?

24      A.     No.

25                   THE COURT:  Congressman, it's noon.  Is this

Foiani - Cross

1 a good time to take a break?

2 MR. TRAFICANT: I agree.

3 THE COURT: Thank you. We'll see you at  
4 1:30. Remember your admonitions.

5 (Thereupon, a luncheon recess was had.)

6 Tuesday Session, March 12, 2002, at 1:30 P.M.

7 THE COURT: You're still under oath.

8 BY MR. TRAFICANT:

9 Q. How was your break, Lucia?

10 A. Well, I can't eat because I threw up all over the  
11 hallway this morning.

12 Q. You threw up?

13 A. All over the hallway.

14 Q. You're going to have your third child?

15 A. I hope not.

16 Q. Were you afraid of me?

17 A. No, no. I think I just ate something I shouldn't  
18 have eaten. Maybe some of the stress, too. I don't know.

19 Q. Have you been under stress?

20 A. Well, this is a little stressful.

21 Q. Well, let's start there. How many times did you meet  
22 with the FBI?

23 A. Twice.

24 Q. Where did you meet with him?

25 A. At my home.

Foiani - Cross

1 Q. Where is your home?

2 A. In Alexandria, Virginia.

3 Q. Were they the FBI offices from Alexandria or the

4 D.C.?

5 A. The first time there was actually someone there from,

6 I believe, Washington, D.C. and someone from either

7 Youngstown or Cleveland, an FBI agent.

8 Q. And the second time?

9 A. The second time it was just the person from

10 Washington, D.C., I think.

11 Q. Did they call you before they visited you?

12 A. Yes.

13 Q. First time?

14 A. Yes.

15 Q. Did you have anybody present with you?

16 A. No one was present with me when I talked to them the

17 first time.

18 Q. How about the second time?

19 A. Nor the second time.

20 Q. Now, did you happen to meet with them a third time?

21 A. No.

22 Q. Was it an intimidating situation?

23 A. No, they weren't intimidating. They were very

24 friendly.

25 Q. Did they ask you if you possessed any documents?

Foiani - Cross

- 1 A. No. They brought the documents.
- 2 Q. Did they ask you if you had anything other than what
- 3 they had?
- 4 A. No, no. I don't think so.
- 5 Q. What documents did they show you?
- 6 A. A lot of these exhibits, these papers.
- 7 Q. Did anyone from the office call you and tell you you
- 8 might be visited by the FBI at any time?
- 9 A. From which office?
- 10 Q. Any of my offices.
- 11 A. Oh, no.
- 12 Q. Were there members remaining on my staff in '99 to
- 13 2000, to the best of your knowledge, that you still knew?
- 14 A. Well, I wasn't sure who was still in the office at
- 15 that time.
- 16 Q. Did they ask you not to talk with anyone?
- 17 A. The FBI agents?
- 18 Q. Yeah.
- 19 A. I don't think so. They asked me if I had been in
- 20 contact with people from the office, and I told them no.
- 21 Q. Did they ask you if I contacted you?
- 22 A. They didn't ask me that, no.
- 23 Q. Did they tell you I was the target of their
- 24 investigation?
- 25 A. Yes.



Foiani - Cross

1 Q. Did they tell you you were not the target?

2 A. Yes.

3 Q. When was the first time they told you I was the  
4 target of their investigation?

5 A. Well, the first time they came to visit me, they told  
6 me that they were investigating you. And that was what  
7 they told me. I assumed that meant you were the target.

8 Q. When was the first time they met with you, you recall  
9 roughly?

10 A. Well, my son -- my son was born October of 2000, and  
11 I was about six months pregnant.

12 Q. Would you say May?

13 A. It was early in 2000.

14 Q. Early in 2000?

15 A. Let me think about that. I can't remember if that  
16 was the first or the second time.

17 Q. To the best of your knowledge, the earliest time they  
18 met with you was early to mid 2000. Would that be a --

19 A. Um-hum. They met with me at some point during the  
20 year, early in the Year 2000.

21 Q. Now, when our -- when a constituent problem got to a  
22 level where it couldn't be resolved, who was the final  
23 person in our office that stepped in?

24 A. You.

25 Q. Now, when you come to learn about the Saudi Arabian

Foiani - Cross

1 system of law, what, if anything, did we discuss?

2 MR. KALL: Your Honor, I'd object to the  
3 extent this brings out hearsay.

4 THE COURT: You could rephrase that question  
5 to avoid --

6 BY MR. TRAFICANT:

7 Q. Did you and I have any discussions relative to the  
8 Saudi Arabia type of Government and laws that they had?

9 A. I don't remember.

10 Q. You testified that there was a big difference though,  
11 right?

12 A. Yes.

13 Q. Remember we were talking about Bosnia?

14 A. Yeah. They had -- I thought about this. They have a  
15 monarchy. They have a Royal Family that runs their  
16 country. I think of that as a dictatorship.

17 Q. Did I actually write on the letter to the Secretary  
18 of State of the United States, James Baker, quote unquote,  
19 "shame on you"?

20 A. I think you did, but I'm not sure. I think you did,  
21 though. It looks like your handwriting.

22 Q. Was I known as being a shy person in Washington?

23 A. No.

24 Q. Did you agree with the strategy that was employed in  
25 regards to the Bucheit case?

Foiani - Cross

1 A. Yes.

2 Q. Did you at times participate in formulating and  
3 promulgating plans and strategies about the Bucheit case?

4 A. Yes.

5 Q. Did you make any recommendations?

6 A. I really don't remember.

7 Q. Now, wasn't it a fact many of the documents that were  
8 shown on the board were not my signature?

9 A. That's right.

10 Q. Could you explain what frank mail is to the jury?

11 A. Frank mail?

12 Q. Yes.

13 A. That means when you haven't signed it.

14 Q. Frank mail, what does frank mail mean?

15 A. I don't know. I haven't heard that term in a while,  
16 or I don't even know if I've heard that term recently.

17 Q. When Congress sends out a letter, are there stamps on  
18 it?

19 A. Oh, yeah. There's stamps on the envelopes, yeah,  
20 there's -- not stamps. There's like your signature, right?

21 Q. Yes. There are no stamps like you buy at the post  
22 office, are there?

23 A. Oh, no.

24 Q. But if I would send a letter, say, back home to pay  
25 my electric bill, could I use the Government mail, or would

Foiani - Cross

1 I have to put stamps on it?

2 A. To pay the Electric bill, you would have to put  
3 stamps on it, I would think.

4 Q. So that any of the mail that we sent --

5 A. Um-hum.

6 Q. -- on official business would be this now what we'll  
7 refer to, could you agree, as frank mail?

8 A. Yes.

9 Q. Did Congress have a special mailing privilege?

10 A. Yes.

11 Q. For -- for their own business?

12 A. Yes.

13 Q. Was our office known to get a large volume of mail,  
14 Lucia?

15 A. Oh, yes.

16 Q. Would you say even more than most?

17 A. I really don't know.

18 Q. Did we receive a large volume of mail?

19 A. We did receive a large volume of mail.

20 Q. Did I read every one of those, to the best of your  
21 knowledge?

22 A. No.

23 Q. Would it have been possible?

24 A. No.

25 Q. Did I authorize people to sign my name?

Foiani - Cross

- 1 A. Yes.
- 2 Q. Was the staff authorized to sign my signature?
- 3 A. I believe so, yes.
- 4 Q. Did you sign some of those documents?
- 5 A. Yes.
- 6 Q. Did you have my authorization?
- 7 A. I believe I did.
- 8 Q. Isn't it a fact that even some of the bills that were
- 9 submitted to Congress did not have my signature on them?
- 10 A. That's true, probably.
- 11 Q. If I was in the district and had an idea and would
- 12 call down, say I want a bill submitted and it was ready to
- 13 go the next day and I wasn't going to be there for
- 14 sometime, would someone sign my name on a bill?
- 15 A. Sure.
- 16 Q. Now, you talked about we would attach our bills to
- 17 vehicles?
- 18 A. Um-hum.
- 19 Q. Now, was that cars?
- 20 A. No.
- 21 Q. What do you mean when you talk to the jury about
- 22 vehicles?
- 23 A. Bills that were definitely going to get to the House
- 24 floor like an appropriations bill. There's 12
- 25 appropriations bill a year maybe, I don't remember, but you

Foiani - Cross

1 know, there's going to be an appropriations bill every  
2 year. So you try something that you know that's going to  
3 the House, where you try to attach amendments to bills you  
4 know are going there.

5 Q. So it may first be drafted as a bill?

6 A. Um-hum.

7 Q. But made into law as an attached amendment to another  
8 vehicle?

9 A. Yes.

10 Q. And that was known as an amendment?

11 A. Yes.

12 Q. Do we do a lot of that?

13 A. Oh, yeah.

14 Q. Were many of those in your jurisdiction?

15 A. Yes.

16 Q. Did they deal with housing?

17 A. Yes.

18 Q. Quite a few?

19 A. Yes.

20 Q. Now, at some point, the Bucheit matter was settled  
21 while you were in my employ; is that correct?

22 A. Yes.

23 Q. Do you know the exact details of how it was settled?

24 A. No.

25 Q. Do you know who, in fact, negotiated the settlement?

Foiani - Cross

- 1 A. I don't.
- 2 Q. Did you ever ask Mr. Bucheit?
- 3 A. No.
- 4 Q. Did he ever tell you?
- 5 A. No.
- 6 Q. Would you be surprised if I had negotiated it?
- 7 A. No.
- 8 Q. Did he have attorneys?
- 9 A. He did have attorneys.
- 10 Q. Did they do him any good?
- 11 A. Not -- well, they tried to help, but not really.
- 12 Q. How many different agencies did we contact about the
- 13 Bucheit matter?
- 14 A. The Commerce Department, the State Department. There
- 15 was both embassies, their embassy here and our embassy
- 16 there. I don't know if those are agencies, but really, you
- 17 know, probably Commerce and State were the ones we
- 18 contacted.
- 19 Q. Now, when the prosecutors examined you, they said
- 20 they asked you if we exerted pressure through the press; is
- 21 that correct?
- 22 A. Yes.
- 23 Q. Was it not a fact that one of the president releases
- 24 allude to a civil RICO action?
- 25 A. It may have. I don't remember the details of that.

Foiani - Cross

1 Q. Do you know if you were involved with the letter that  
2 threatened the prince with a civil RICO action and take his  
3 passport away?

4 A. I don't remember that.

5 Q. Did he come ultimately to the table?

6 A. Either him or someone else. Someone settled the  
7 case.

8 Q. Was it before or after I wrote to the king?

9 A. After.

10 Q. Did you confer with Senator Glenn's staff?

11 A. Yes. On one occasion, I sent them over some  
12 information and asked that Senator Glenn made some remarks  
13 on the Senate floor, and he did.

14 Q. Was that your recommendation or mine?

15 A. I really don't remember, you know. It might have  
16 been Pete's, you know. I don't remember.

17 Q. Did you talk at times with Pete when I was on the  
18 floor or whatever?

19 A. Yeah, he would call.

20 Q. Did you believe that Pete was telling you the truth?

21 A. Yes.

22 Q. Now, you said the final settlement was announced by a  
23 press release, wasn't it?

24 A. Yes.

25 Q. When you worked for me, did you have the authority to



Foiani - Cross

1       come up with ideas for legislative matters?

2       A.     Did I have the authority to come up with ideas? No,  
3       I don't know -- well, you know, you had ideas. We had --  
4       you know, we had constituents who had ideas I might run by  
5       you. I'm trying to think. Like there was the whole  
6       housing thing, we had organizations that wanted us to do  
7       things for them. So the ideas were coming from everywhere,  
8       but I never introduced a bill without your -- without you  
9       telling me to do that.

10      Q.     To the best of your knowledge, did I hire smart  
11      people?

12      A.     Yes, I think so.

13      Q.     Did most of them go to law school to the best of your  
14      knowledge?

15      A.     Yeah, a lot of them did.

16      Q.     Weren't they, in fact, brilliant, many of them?

17      A.     Um-hum.

18      Q.     Would I accept the ideas from staff?

19      A.     You know, I don't really remember. I -- you would  
20      listen. I'm trying to think of -- I think you did.

21      Q.     When the matter was scheduled to be resolved, who  
22      ultimately contacted us from the Saudis, do you remember?

23      A.     No. I don't -- I don't remember the actual  
24      settlement happening. What I remember is that I came back,  
25      and I assumed it was from my Christmas break and West told

Foiani - Cross

1 me the Bucheit case has been settled, and I said oh, good.

2 Q. Who was the ambassador from Saudi Arabia?

3 A. Bandar, Ambassador Bandar.

4 Q. You think the King would fly over?

5 A. I don't think so.

6 Q. Now, you had stated that many companies, after the  
7 settlement was announced, had called our office; is that  
8 correct?

9 A. Not after the settlement; during, while we were  
10 trying to, you know, get the word out about what was  
11 happening to American contractors.

12 Q. Did our press -- our press strategy was working,  
13 wasn't it?

14 A. Yes.

15 Q. And they, in fact, were calling?

16 A. Yes.

17 Q. And none of them were from my district?

18 A. No.

19 Q. They were from all over America, wasn't that a fact?

20 A. They were.

21 Q. And what, if anything, did they tell you when they  
22 called you about the matter?

23 A. It wasn't particularly about the -- they didn't call  
24 about the Bucheit matter. They called about their own  
25 problems. They -- you know, some Saudi prince, some Saudi

Foiani - Cross

1       entity had defrauded them in some way as well. And that's  
2       what they would tell me.

3       Q.     Now, if they weren't my constituents, would they have  
4       a congressman?

5       A.     Yes.

6       Q.     Would they have had two senators?

7       A.     Yes.

8       Q.     Did you ever ask them why they called you?

9       A.     Well, I just assumed it was because they were hearing  
10      about it nationally. They were hearing we had taken on a  
11      case like that.

12      Q.     Did any one of them ever say to you that they could  
13      get nowhere with the prince?

14                   MR. KALL:  Objection, hearsay.

15                   THE COURT:  Sustained.

16      BY MR. TRAFICANT:

17      Q.     In your discussions with them, did they ever intimate  
18      to you any problems?

19      A.     Yes.

20                   MR. KALL:  Objection.

21                   THE COURT:  The objection is sustained.

22      Q.     Did you ever ask them if they had similar problems  
23      like we had in the Bucheit case?

24      A.     Yes.

25      Q.     You did?

Foiani - Cross

1 A. Well, they would tell me about them, you know. I  
2 can't remember the specific cases. But, you know, same  
3 sorts of things, you know, they didn't get paid.

4 MR. KALL: Objection.

5 THE COURT: The objection is well taken.  
6 Please don't answer the question.

7 THE WITNESS: Okay.

8 Q. What did you tell them that we were doing?

9 A. That we were handling this Bucheit case.

10 Q. And did you discuss with them our strategy?

11 A. I might have, yes.

12 Q. If I didn't get involved personally, would the  
13 Bucheit matter have been solved?

14 A. I doubt it.

15 Q. Did I do everything in my power to settle it?

16 A. Yes.

17 Q. Is there anything else I could have done that I  
18 didn't do?

19 A. No, I don't think so.

20 Q. If necessary, do you -- did I write to the president?

21 A. Probably.

22 THE COURT: Well, do you know.

23 THE WITNESS: I really don't know. I don't  
24 know.

25 THE COURT: Well, it would be good not to

Foiani - Cross

1       testify if you don't know.

2                   THE WITNESS:   Okay.

3                   THE COURT:    Thank you.

4                   MR. TRAFICANT:  Thank you, your Honor.

5       BY MR. TRAFICANT:

6       Q.       Now, you said after the case was settled, Mr. Bucheit  
7       came to the office, and he was very pleased; is that  
8       correct?

9       A.       Yes.

10      Q.       Did he ever tell you what the actual amount of the  
11      settlement was?

12      A.       No.

13      Q.       Did you ever discussions relative to the amount of  
14      the settlement?

15      A.       No.

16      Q.       Did you have knowledge that the settlement was not to  
17      be disclosed publicly?

18      A.       That's what I was told, that it was for an  
19      undisclosed amount.

20      Q.       Did you know if that was part of the agreement?

21      A.       I don't know.

22      Q.       Now, they asked you about these -- if you had done  
23      all this stuff, if I were doing illegal acts with Pete  
24      Bucheit, do you remember your answer?

25      A.       Not exactly.  What did they ask me?

Foiani - Cross

1 Q. When the Prosecution asked you, they said if Jim  
2 Traficant was doing all these illegal things for Pete  
3 Bucheit, would you have done these things?

4 MR. KALL: Objection, your Honor.

5 THE COURT: I don't know where that is in the  
6 record, that question.

7 MR. TRAFICANT: It was asked by the  
8 Prosecution, your Honor.

9 THE COURT: At the break, we'll go back and  
10 look at the record. Okay. Go on to something else.

11 BY MR. TRAFICANT:

12 Q. If you had knowledge that I was involved with  
13 something illegal with Pete Bucheit, would you have done  
14 these things?

15 MR. KALL: Objection, speculative.

16 THE COURT: Would you go on to another line  
17 of questioning, different topic, please, and we'll handle  
18 this at the break.

19 MR. TRAFICANT: I object for the record not  
20 being able to proceed with this line of questioning.

21 THE COURT: Okay. Well, you may be able to  
22 proceed, but first, we have to -- at the break, discuss it  
23 since --

24 MR. TRAFICANT: For the record, I object now.

25 THE COURT: I understand.



Foiani - Cross

1 BY MR. TRAFICANT:

2 Q. When you worked for me, did I look over your  
3 shoulder?

4 A. No.

5 Q. Did I demean you?

6 A. No. You had a lot of autonomy in your office.

7 Q. Did I demean anybody?

8 A. No.

9 Q. Did I ever threaten anybody in our office?

10 A. No.

11 Q. Anybody in you're office fear me?

12 A. No.

13 Q. Can you recall one incident where there was a  
14 threatening situation in our office?

15 A. No.

16 Q. Did we have disagreements at times?

17 A. Not very often. I can't remember. I tried not to  
18 disagree with you.

19 Q. Were you afraid of me?

20 A. No. I was pretty young. I just -- I just did what  
21 you told me to do.

22 Q. But didn't you say you did some of these things on  
23 your own as well?

24 A. Yes.

25 Q. And weren't you free to do those things on your own?



Foiani - Cross

1 A. Yes.

2 Q. Even though you were young?

3 A. Yes. I just assumed that we had a go, and as long  
4 as, you know, it wasn't something outrageous, I could -- I  
5 can do it. Now, I don't remember, you know, who authorized  
6 me to do these letters and stuff, you know, whether it was  
7 you, whether it was Pete, whether it was --

8 Q. Did you talk to Pete about specific things he wanted  
9 done?

10 A. Oh, sure, um-hum.

11 Q. And did he participate in the strategy himself?

12 A. Of course.

13 Q. Was he represented by counsel?

14 A. He was.

15 Q. Now, did you have occasion to be asked by the FBI if  
16 you knew the Bucci brothers?

17 A. They did ask me that.

18 Q. Did you know them?

19 A. No.

20 Q. Did you have occasion to be asked if you know the  
21 Cafaros?

22 A. Yes. They asked me that.

23 Q. And did you know them?

24 A. No.

25 Q. Did they, in fact, ask you if you had anything in

Foiani - Cross

1 your possession that related to Pete Bucheit?

2 A. I don't know.

3 Q. Did the Government ever ask you if you wrote anything  
4 in law school about Pete Bucheit?

5 A. I did write an article about -- in law school about  
6 problems that contractors had with Saudi entities.

7 Q. Did you mention the Bucheit case?

8 A. I did.

9 Q. Did you tell them that you did?

10 A. I did, yes.

11 Q. How did that conversation come up?

12 A. We were talking about the Bucheit case, and I'm not  
13 exactly sure if they asked me about it. And I -- you know,  
14 I said that, you know, I had no problems working on the  
15 Bucheit case. I didn't think there was anything strong  
16 about it. In fact, I even wrote a law review article on it  
17 in law school. I was proud of the work I did in the case.

18 Q. Did they ask you to see the document?

19 A. Well, then I gave it to them. I -- I think they did,  
20 obviously. I gave them a copy of the --

21 Q. Did they ask to take it?

22 A. They took it. I don't know if they asked to take it.

23 Q. They took it?

24 A. Yeah.

25 Q. You can't remember if they asked?

Foiani - Cross

1 A. They must have, I mean -- I don't know. I gave it to  
2 them, and I guess they did ask to take it.

3 Q. Did they return it to you?

4 A. No.

5 Q. Did they send you a copy of it?

6 A. No.

7 Q. Did they ask you if you had a copy of it?

8 A. Did they ask me if I had a copy of it? Yes, I guess  
9 they did. I don't know if they asked me or if I offered  
10 it. I said oh, I wrote a law review article about it. And  
11 I produced it. I don't know if they -- if they asked or I  
12 just produced it.

13 Q. Were you nervous when the FBI visited you, Lucia?

14 A. Well, sure, but they were very friendly.

15 Q. They tried to be friendly?

16 A. Yeah.

17 Q. The times that you worked there, were there workers  
18 of my Youngstown District Office that traveled to D.C. with  
19 me?

20 A. Workers that traveled to Washington with you?

21 Q. That were from the Youngstown District Office.

22 A. I believe so.

23 Q. Now, how do you get around Congress? Do you have to  
24 have an identification?

25 A. Yes.

Foiani - Cross

- 1 Q. And what is that identification?
- 2 A. A card with your picture on it.
- 3 Q. Did you have a card with a picture on it?
- 4 A. Yes.
- 5 Q. And where did you wear that card?
- 6 A. Clipped on to my clothes.
- 7 Q. Could it also be worn any other way?
- 8 A. Yes.
- 9 Q. How?
- 10 A. Around your neck.
- 11 Q. With a chain?
- 12 A. Probably.
- 13 Q. Would you know if the workers from Youngstown wanted
- 14 to get a name tag?
- 15 A. I really don't remember. I really don't.
- 16 Q. Could they have gone in the gallery without a name
- 17 tag?
- 18 A. Well, they couldn't go on the House floor without a
- 19 name tag. I don't know about the gallery.
- 20 Q. Well, if they were in the gallery, they had to be
- 21 with someone with a name tag, didn't they?
- 22 A. Yes.
- 23 Q. So that means that some staff person would have to be
- 24 taken away from their duties to take them to the gallery,
- 25 right?

Foiani - Cross

1 A. Right. We gave tours to people to get them -- I'm  
2 trying to think. I know that to get them on the House  
3 floor, they had to be with a staffer. Gallery, I'm not  
4 sure.

5 Q. But if the Youngstown workers went to the gallery by  
6 themselves, how would they get in?

7 A. I think they -- I really don't know.

8 Q. Okay.

9 When the Youngstown workers were there, were they in  
10 the office?

11 A. Yes. I mean, I'm just trying to think of who was  
12 there. You know, like Chuck O'Nesti might come one time to  
13 the office. You know, it's not like you had a desk there  
14 or anything.

15 Q. But when they did come, were they assigned a place to  
16 work as like a work place, a desk or a chair?

17 A. I don't think so.

18 Q. Where did they work, where did they sit? Were all  
19 our desks filled at all times?

20 A. Um-um. I don't remember. There might have been an  
21 empty desk. I really, really don't remember. I don't even  
22 remember that much about people coming to --

23 Q. From Youngstown?

24 A. From Youngstown, and you know, I just don't remember.

25 Q. Did you ever go down and see my boat?

Foiani - Cross

1 A. No, never saw it.

2 Q. Did any Youngstown, Ohio, agents, come to Alexandria  
3 to meet with you?

4 A. Well, that first meeting, there was someone from  
5 either Cleveland or Youngstown. I'm not sure which city he  
6 was from.

7 Q. How long were the meetings with the FBI usually?

8 A. The first one was relatively short. The second one,  
9 they had a lot of documents, and we had to go through all  
10 those documents. That took awhile, a couple hours.

11 Q. They didn't bring the documents the first time?

12 A. Um-um.

13 Q. Did you think that was unusual?

14 A. No. They might not have subpoenaed them yet or  
15 something.

16 Q. Did they say anything about those documents since  
17 they were, in fact, documents of the House of  
18 Representatives and the office of the House of  
19 Representatives?

20 MR. KALL: Objection to anything they said.  
21 It would be hearsay.

22 THE COURT: Yeah.

23 Q. Did you ask them how they got the documents?

24 A. No, I did not.

25 Q. Were they documents that were congressional business?

Foiani - Cross

1 A. Yes. They involved -- I don't know, this is  
2 congressional business, I assume.

3 Q. Would a letter from the Congressman to the Secretary  
4 of State be congressional business?

5 A. Yes.

6 Q. Would a letter from the Congressman to the King of  
7 Saudi Arabia be congressional business?

8 A. Yes.

9 Q. Now, when they met with you, did they show you any of  
10 those?

11 A. They showed me these documents.

12 Q. And that was early May?

13 A. No, they -- they brought the documents the second  
14 time, and that would have been probably in January,  
15 February of 2001. I'm not positive about that, but I think  
16 my son was about three months old the second time they  
17 came.

18 Q. Your two children healthy?

19 A. They are.

20 Q. What do you have, boys, girls?

21 A. I have two boys.

22 Q. How long are you going to stay home with them before  
23 you go back to work?

24 A. I don't know. As long as I can.

25 MR. TRAFICANT: No further questions at this

Foiani - Cross

1 time.

2 THE COURT: Thank you.

3 MR. KALL: We have no redirect, your Honor.

4 THE COURT: Okay. Well, then, we'll take a  
5 break right now so that we can resolve the two objections  
6 that were made before the witness is released. Okay?

7 THE WITNESS: Okay.

8 THE COURT: Probably be ten-minute break  
9 maybe. Thank you.

10 (Proceedings in the absence of the jury:)

11 THE COURT: There were two different kinds of  
12 objections posed. I found the place in the transcript  
13 where the objections were made, but I have no idea where  
14 the matter which the -- where the matter which the question  
15 refers to is in the transcript. So I haven't done that  
16 search. I don't know whether you can direct us to  
17 something, Congressman, or not.

18 The question to the witness was now, they asked you  
19 about these if you had done all this stuff, if I were doing  
20 illegal acts with people, do you remember your answer? And  
21 she said not exactly. What did they ask me? And the  
22 question is when -- from you, Congressman, is when the  
23 Prosecution asked you, they said if Jim Traficant was doing  
24 all these illegal things for Pete Bucheit, would you have  
25 done these things?



Foiani - Cross

1           And then there was an objection posed. And so now  
2           you can speak to that objection if you want to.

3           MR. TRAFICANT: That was the second one.

4           THE COURT: Well, the second one --

5           MR. TRAFICANT: No. The first one dealt with  
6           all these other companies around the country calling and --

7           THE COURT: Oh, I was able to rule on that  
8           one, and we went on. But this one is --

9           MR. TRAFICANT: No. You stopped my line of  
10          questioning on that.

11          THE COURT: Would you like to handle this one  
12          now, or would you like to handle that one now?

13          MR. TRAFICANT: Whichever you -- whichever  
14          you prefer.

15          THE COURT: I prefer we handle this one.

16          MR. TRAFICANT: Let's deal with it.

17          THE COURT: Thank you.

18          MR. KALL: Your Honor, to that question, I  
19          objected for a couple reasons. First, I think it misstated  
20          what the evidence was on direct. She was asked questions  
21          regarding what rules she was aware of regarding accepting  
22          things of value, and she was also asked whether Congressman  
23          Traficant ever told her after the Bucheit matter had been  
24          settled, that he had had a carpenter sent out to his farm.  
25          He asked were there carpenters to do work, and he failed to

Foiani - Cross

1 pay Mr. Bucheit for that work.

2 I didn't ask her any questions of would she have done  
3 this work if she had known it would be illegal. I --  
4 that's why I objected. I think that the conclusion he  
5 reached was beyond the scope of what was asked and what was  
6 stated on direct.

7 THE COURT: I was unable to remember that,  
8 but if it's in the record, Congressman, and you can find it  
9 for us, then we can go forward with this. Otherwise, I  
10 will have to sustain the objection because I have no  
11 recollection of their asking the question that you say they  
12 asked.

13 MR. TRAFICANT: He just said they asked it.

14 THE COURT: No, he didn't.

15 MR. TRAFICANT: No, he said they brought up  
16 the issue of illegal acts between Pete Bucheit and Jim  
17 Traficant. Now, I don't care how he worded it, he had a  
18 witness on the stand --

19 THE COURT: Okay, well we do care how things  
20 are worded, and so if you can go back and find me where it  
21 is in the direct examination that bothers you, if you can  
22 go back and find that, I'll be glad --

23 MR. TRAFICANT: It's near the end of direct,  
24 your Honor. I really don't have lap tops and -- I'm just a  
25 son of a truck driver up here.

Foiani - Cross

1 THE COURT: I'm just an army brat, okay, but  
2 we've got to look at this thing because we're all in court  
3 together.

4 MR. TRAFICANT: I'm not computer capable.

5 THE COURT: Okay. That's all right.  
6 Fortunately we're sharing all this with you.

7 MR. TRAFICANT: Thank you.

8 THE COURT: I'm not real good at it myself.  
9 Can you go to the end of direct, please, and look for  
10 something with the word illegal in it. That'll maybe give  
11 a word search.

12 MR. TRAFICANT: Something about Bucheit and  
13 Traficant and illegal activities.

14 (Discussion at side bar off the record.)

15 THE COURT: What you were stating to them was  
16 nothing that I could find in the record nor can I find it  
17 now that we've --

18 MR. TRAFICANT: For the record, I do not want  
19 to recall the witness and belabor the jury any longer, but  
20 for the record, I want to say that there's a double  
21 standard here, and I want to state it again, that I had  
22 clear rights under cross-examination.

23 This girl had said the first time she had no  
24 knowledge that Pete Bucheit did anything illegal. Did you  
25 know that Pete Bucheit -- let's go back to it and read it.

Foiani - Cross

1 THE COURT: She says no.

2 MR. TRAFICANT: But then you went on with a  
3 series of questions, and you let her answer.

4 THE COURT: So?

5 MR. TRAFICANT: You didn't sustain the  
6 objection.

7 THE COURT: You didn't object.

8 MR. TRAFICANT: I did object, and you -- and  
9 you said you can answer. I said for the objection --  
10 objection for the record only. I wasn't --

11 THE COURT: Congressman, when you say  
12 objection for the record only, what -- tell me what you  
13 mean so that I'm -- I'm correctly understanding what you  
14 mean.

15 MR. TRAFICANT: Is an objection an objection?

16 THE COURT: An objection is an objection, but  
17 when you say for the record only, I'm not clear why -- what  
18 you're limiting that, if you're limiting something. What  
19 do you mean by that?

20 MR. TRAFICANT: Does any objection go into  
21 the record and require a ruling of the Judge.

22 THE COURT: The entire -- every word we say  
23 in this courtroom is part of the record of the case.

24 MR. TRAFICANT: I didn't ask you that.

25 THE COURT: Well, no, but let me continue.

Foiani - Cross

1           If you say an objection for the record, it sounds to  
2           me like you're saying I'm making an objection so that  
3           somebody later on looking at the record will know that I  
4           objected.

5           I take it you're preserving something for appeal by  
6           saying that.

7                       MR. TRAFICANT: Is not the judge required to  
8           rule on an objection?

9                       THE COURT: Yeah, and I do rule on them.

10                      MR. TRAFICANT: Were there times where you  
11           failed to rule?

12                      THE COURT: Just -- we're having a break  
13           right now because I was unwilling to rule until I could see  
14           whether there was, in fact, a place in the record where  
15           what you represented had been said was said. Yes, so I  
16           waited to rule until we got here to do it without the jury  
17           being part of it.

18                      MR. TRAFICANT: Now, having said that --

19                      THE COURT: Uh-huh.

20                      MR. TRAFICANT: -- is it not a fact that the  
21           Government was asking this witness about Pete Bucheit's  
22           activities after the matter was settled and if she had any  
23           knowledge that Pete Bucheit was engaged with illegal  
24           activities with the Congressman.

25                      Now, you don't have to be a -- a legal scholar to

Foiani - Cross

1 understand what they were doing. She said no, no, no, no,  
2 and you let her answer all those questions. Now me, under  
3 cross-examination, tried to visit the issue.

4 THE COURT: But what you were trying to visit  
5 here was when the Prosecution asked you, they said if Jim  
6 Traficant was doing all these illegal things for Pete  
7 Bucheit, would you have done these things, and I still  
8 can't find that question in the record. The -- you're  
9 representing that the Prosecution asked that question, but  
10 they didn't, and therefore, the objection is sustained  
11 because, in fact, they didn't ask her that.

12 The second one was, if you had knowledge that I was  
13 involved with something illegal with Pete Bucheit, would  
14 you have done these things? Mr. Kall objected,  
15 speculative. So I coupled that with the former question  
16 and asked you to go to another line of questioning.

17 MR. TRAFICANT: No. You said let's wait  
18 until the break.

19 THE COURT: I said would you please go to  
20 another line of questioning, different topic, please, and  
21 we'll handle this at the break.

22 MR. TRAFICANT: Different topic.

23 THE COURT: Right. Different topic so we can  
24 handle this at the break. Now we're here to handle it. So  
25 let's go to the second question.

Foiani - Cross

1           If you had knowledge that I was involved with  
2           something illegal with Pete Bucheit, would you have done  
3           these things. They objected because that question is  
4           speculative since she had already testified that she didn't  
5           have knowledge. So the objection is sustained. Okay?

6           Shall we bring them back? Do you want the witness,  
7           or do you not want the witness?

8           MR. TRAFICANT: She already threw up. She's  
9           been scared to death. I had every right in my opinion for  
10          the record to rephrase my question. You embarrassed me in  
11          front of the jury by saying get on to another topic.

12          THE COURT: Okay. Well --

13          MR. TRAFICANT: I had every right to try to  
14          rephrase my question, recapture my thoughts, and bring them  
15          in line with a cross-examination that may have met the  
16          scrutiny of an overrule of their objection, but you  
17          instructed me to move on to another topic.

18          THE COURT: And we did, didn't we?

19          MR. TRAFICANT: You on ruled it.

20          THE COURT: Now, I have a question.

21          MR. TRAFICANT: And I never questioned your  
22          ruling, have I?

23          THE COURT: Do you want to have the witness  
24          back? You have said you didn't, but you can have the  
25          witness back if you wish to continue to examine the

Foiani - Cross

1 witness. She's still here. It's up to you.

2 MR. TRAFICANT: Yeah, I want to bring her  
3 back.

4 THE COURT: Okay. Bring the witness in.

5 (Proceedings resumed in the presence of the jury:)

6 BY MR. TRAFICANT:

7 Q. Lucia, do you remember a line of questioning from the  
8 Government relative to supposed illegal acts, if  
9 Mr. Bucheit ever discussed any illegal acts that he  
10 performed for me? Do you remember that line of  
11 questioning?

12 MR. KALL: Objection, your Honor.

13 THE COURT: Well, you can answer if you  
14 remember such a line of questioning.

15 THE WITNESS: Yes, I remember.

16 Q. Did you know of any illegal acts between Mr. Bucheit  
17 and myself?

18 A. No.

19 Q. Do you remember them asking you about gifts and other  
20 things?

21 A. Gifts to you?

22 Q. Whatever you remember about gifts.

23 A. Yes.

24 Q. Now, would you have known of any of those illegal  
25 acts, supposedly illegal acts, unless the Government would



Bliton - Direct/Kall

1 have informed you of them?

2 A. No.

3 MR. TRAFICANT: No further questions.

4 MR. KALL: No redirect, your Honor.

5 THE COURT: Thank you. You're excused.

6 Thank you very much.

7 KIMBERLY HARRIS BLITON

8 of lawful age, a witness called by the Government,

9 being first duly sworn, was examined

10 and testified as follows:

11 DIRECT EXAMINATION OF KIMBERLY HARRIS BLITON.

12 BY MR. KALL:

13 Q. Could you please state your name, and spell your last  
14 name?

15 A. Kimberly Harris Bliton, B-L-I-T-O-N.

16 Q. Could we get you to either lean into the microphone  
17 or pick up the microphone, please?

18 And where do you live?

19 A. Herndon, Virginia.

20 Q. What do you do for a living?

21 A. I'm a director of international Government relations  
22 for the Direct Selling Association.

23 Q. How long have you worked there?

24 A. Almost two and a half years.

25 Q. Did you ever work for Congressman James Traficant?

Bliton - Direct/Kall

1 A. Yes, I did.

2 Q. When did you work there?

3 A. From approximately January 1991 until October 1999.

4 Q. In general, what were your duties there?

5 A. I started out as a staff assistant, worked as a staff  
6 assistant for roughly six months, and then was promoted to  
7 legislative assistant, and in that a capacity, I monitored  
8 legislation in certain legislative areas and responded to  
9 constituent concerns.

10 Q. When you left Congressman Traficant's employ, did you  
11 leave on good terms?

12 A. Yes, I did.

13 Q. You find it somewhat difficult to be here testifying  
14 today?

15 A. Absolutely.

16 Q. Did the congressional office handle constituent  
17 services on a regular basis?

18 A. Depends on what you mean. Most -- most case work was  
19 done by the District Office, but in terms of answering  
20 constituent's concerns on legislative matters, we handled  
21 that in Washington.

22 Q. Was handling constituent case work an official duty  
23 of a congressional office?

24 A. Yes.

25 Q. During the time that you worked for Congressman

Bliton - Direct/Kall

1       Traficant, did you come to work on a constituent service  
2       matter for a man by the name of Pete Bucheit?

3       A.     Yes.

4       Q.     When did this occur?

5       A.     I think it was around 1997, 1998.

6       Q.     Who assigned to you work on it?

7       A.     I believe it was the Congressman and his chief of  
8       staff, Paul Marccone.

9       Q.     And were you aware that prior to there had been any  
10      other constituent service matter for Mr. Bucheit?

11      A.     I believe there was one earlier.

12      Q.     And you became aware of that?

13      A.     I was aware of that vaguely because I had worked  
14      there during the time that that matter had been --

15      Q.     But you weren't directly involved in that?

16      A.     No, I was not.

17      Q.     What was the matter you were involved with?

18      A.     Mr. Bucheit's company, Bucheit International; had an  
19      investment in Israel, and there was an investment dispute.

20      Q.     What kind of business was Mr. Bucheit in?

21      A.     He was trying to -- or had set up plants and  
22      manufactured precast products used in construction.

23      Q.     You said it was in Israel. Was it in a particular  
24      part of Israel?

25      A.     I can't remember exactly. I think it might have been

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1 Gaza.

2 Q. Are you aware of how Mr. Bucheit obtained some of the  
3 funding for this project?

4 A. Yes. He -- for part of the funding, he got a loan  
5 from OPIC, the Overseas Private Investment Corporation.

6 Q. And what -- what kind of organization is OPIC?

7 A. It's -- I think an independent Government agency.

8 Q. And do you know in general what they do?

9 A. Yeah. They provide funding for overseas projects.

10 Q. To your knowledge, does OPIC also insure overseas  
11 projects?

12 A. That -- yes, that is an option.

13 Q. What was the dispute you became involved in? What  
14 was the concern?

15 A. Mr. Bucheit was one of the Builders for Peace during,  
16 I think, following the Dayton Peace Corps, and he had  
17 received approval to build this manufacturing plant there,  
18 and in return, I think he -- the plan was to also provide  
19 training to the Palestinians. So it would be a way of  
20 building -- building the economy there through U.S.  
21 investment.

22 Q. Are you aware of any problems Mr. Bucheit encountered  
23 there?

24 A. Yes.

25 Q. What were the problems?

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1 A. I believe he had some customs issues and some banking  
2 issues. I'm sorry. I can't remember.

3 Q. Do you recall if he ever had any problems with any  
4 machinery being taken?

5 A. Yes. He had a crane that -- I believe he claims had  
6 been taken from him by -- I guess there was a dispute as to  
7 whether it was a partner of his or the Palestinian  
8 authority that had taken it.

9 Q. And are you aware of Mr. Bucheit having a problem  
10 after he received the loan from OPIC regarding repaying the  
11 loan?

12 A. Yes. The -- I guess the issue was that because of  
13 all these problems that he had been having, he was not --  
14 the project did not get completed as planned, and so he  
15 was -- I believe in -- I don't know if he was in default of  
16 the loan, but he definitely needed to repay the loan to  
17 OPIC, and I don't think he had sufficient funding to do  
18 that.

19 Q. Are these some of the issues you were asked to help  
20 assist on?

21 A. Yes.

22 Q. Do you recall another issue involving a bank in  
23 Kuwait?

24 A. Yes.

25 Q. Was that also an issue you were asked to help on?

Bliton - Direct/Kall

1 A. Yes.

2 Q. And --

3 THE COURT: Speak up a little louder.

4 THE WITNESS: I'm sorry.

5 THE COURT: There's a microphone if you need  
6 it.

7 MR. KALL: It might help if you pick up the  
8 microphone.

9 THE COURT: There you go. You can take it  
10 all the way out.

11 THE WITNESS: Okay.

12 Q. Can you briefly describe the nature of the problem  
13 with the Kuwait bank?

14 A. I'm most familiar with that. The -- I think  
15 Mr. Bucheit was a partner or had Gulf petroleum, a company  
16 organization such as that, and around the time that Iraq  
17 had invaded Kuwait -- well, prior to that, they had opened  
18 a bank account, and used -- deposited money that would  
19 secure some of the work that they were doing.

20 And following the war there, they had found that the  
21 money had come up missing. So he was just -- I think he  
22 was asking for the Congressman's assistance in trying to  
23 locate what happened to the money and to get it back.

24 Q. Without getting into any legislative actions that may  
25 have been taken, what was your office's strategy for

Bliton - Direct/Kall

1 assisting Mr. Bucheit?

2 A. The Congressman -- Mr. Bucheit asked for the  
3 Congressman's help in resolving this -- these problems that  
4 he was having, and he asked the Congressman to, I guess,  
5 intervene with the Department of State and OPIC, and asking  
6 for the -- also the White House's help in resolving this  
7 matter.

8 Q. If I could ask you to look at the documents in front  
9 of you, do you see the first one should be labeled 7-43?

10 A. Yes.

11 Q. Do you recognize it?

12 A. Yes.

13 Q. What is it?

14 A. It's -- it's a memo or a handwritten note from Pete  
15 Bucheit to Paul Marcone, Chief of Staff.

16 Q. Do you recall seeing this in the course of your  
17 employment?

18 A. I believe I did.

19 MR. KALL: Could I put this on the overhead,  
20 your Honor?

21 THE COURT: Yes.

22 BY MR. KALL:

23 Q. What is this dated?

24 A. May 19, 1997.

25 Q. And at the top, there's some handwriting, can you

Bliton - Direct/Kall

1 read the first line right at the very top?

2 A. Letter to Gore.

3 Q. And could you read the body of the letter to

4 Mr. Marccone?

5 A. Sure.

6 MR. TRAFICANT: Can you blow it up?

7 THE WITNESS: "Dear Paul, as we discussed  
8 last Thursday in Jim's office, here is basic details of the  
9 Gaza Palestinian investment. They are trying to cheat us.  
10 I will follow-up with the affidavit in a day or so.  
11 Regards, Pete Bucheit."

12 MR. TRAFICANT: Ask it be a joint exhibit.

13 MR. KALL: No objection.

14 THE COURT: 7-43 will be entered as a joint  
15 exhibit.

16 Q. There's a number of pages attached to that or  
17 enclosed with that?

18 A. Yeah.

19 Q. Do you recall seeing those pages when you worked for  
20 Congressman Traficant?

21 A. Yes.

22 Q. Were you asked to do anything as a result of this  
23 letter?

24 A. Yes. I was directed to write a letter to  
25 Vice-President Al Gore.





Bliton - Direct/Kall

1 Q. Who directed you to do that?

2 A. The Congressman and his chief of staff.

3 Q. Can you look at Government's Exhibit 7-44? Do you  
4 recognize that?

5 A. Yes.

6 Q. What is it?

7 A. It's the letter that the Congressman's office drafted  
8 to Al Gore.

9 MR. KALL: May I place this on the overhead,  
10 your Honor?

11 THE COURT: Yes.

12 BY MR. KALL:

13 Q. This is dated May 22 of '97 correct?

14 A. Yes.

15 MR. TRAFICANT: I ask it be made a joint  
16 exhibit.

17 MR. KALL: No objection.

18 THE COURT: All right.

19 Q. And this is three days after receiving the  
20 handwritten document to Paul Marcone, correct?

21 A. Yes.

22 Q. And at the top, it says Dear Vice-President Gore, and  
23 there's some handwriting, and Vice-President Gore is  
24 crossed out, and Al is written; is that correct?

25 A. Yes.

Bliton - Direct/Kall

1 Q. Is that your handwriting?

2 A. No, it's not.

3 Q. Whose is that?

4 A. It's the Congressman's.

5 Q. And you assisted in preparing this letter?

6 A. That's correct.

7 Q. Where did you get the information in this letter?

8 A. I assumed the previous exhibit.

9 Q. If I could ask you to read just the first three  
10 paragraphs there.

11 A. The first three?

12 Q. Yes.

13 A. "I am writing on behalf of Bucheit International  
14 Limited, a family-owned company in my congressional  
15 district, that has been in business since 1908. In 1994,  
16 Bucheit agreed to be the model company for U.S. investment  
17 in Gaza. After investing \$4.4 million in the area,  
18 however, Bucheit has experienced transportation and  
19 standards barriers, a mismanaged system of regulations and  
20 unethical, if not, illegal activity, which has resulted in  
21 Bucheit's default on a U.S. Government loan.

22 "In 1994, Bucheit International with the support of  
23 the Office of the Vice-president, the U.S. Department of  
24 Commerce, and Builders for Peace was granted political risk  
25 insurance from the Overseas Private Investment Corporation,

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1 OPIC. In 1995, Bucheit received a \$1.1 million loan from  
2 OPIC for the purchase of additional equipment and working  
3 capital. As the first American company to invest in Gaza,  
4 Bucheit's investment was applauded by the Palestinian  
5 authority and the Israeli military of industry.

6 "Bucheit's international investment project involved  
7 building a greenfield plant and training and employing  
8 Palestinian workers to manufacture and erect precast  
9 concrete elements for the construction industry.

10 "The project would benefit both Palestinians and  
11 Israelis. Production materials were imported from Israel  
12 and transient Palestinian workers, often the cause of labor  
13 disputes in Israel, were employed in Gaza."

14 Q. And this letter goes on to describe some of the  
15 problems Mr. Bucheit was relaying to you, correct?

16 A. Yes.

17 Q. I'd ask you to read just the last two paragraphs on  
18 the back?

19 A. Starting with Bucheit International?

20 Q. Yes.

21 A. "Bucheit International in good faith agreed to be the  
22 U.S. pioneer for investment in Gaza, to train and hire  
23 Palestinians, and in the end, consigned the project to  
24 Gaza. Bucheit International has faced unnecessary  
25 scrutiny, unfair regulation and taxes, and a myriad of

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1       unethical practices. In many ways, the establishment of a  
2       lasting peace in the Middle East hinges upon the ability of  
3       the Palestinians to develop the economies of the West Bank  
4       and Gaza Strip. That development to a large degree will  
5       depend on U.S. investment in the region. Bucheit took a  
6       considerable risk in investing in Gaza.

7               "Through no fault of its own, Bucheit has endured  
8       significant losses. Unless our Government takes strong  
9       action to redress this wrong, it would be extremely  
10      difficult to convince other U.S. companies to invest in  
11      Gaza and the West Bank. As such, I respectfully request  
12      that the administration consider withholding \$4.4 million  
13      in foreign assistance to the Palestinian authority on  
14      behalf of Bucheit International.

15             "Thank you for your attention and consideration of  
16      this matter. Should you or your staff have any questions  
17      or concerns, please do not hesitate to contact me or  
18      Kimberly Harris Bliton of my Washington office."

19      Q.     And do you recall whose idea it was to ask Vice  
20      President Gore to have the administration consider  
21      withholding \$4.4 million in foreign assistance?

22      A.     I don't remember specifically. I'm sure it was  
23      some -- you know, either brought up by Mr. Bucheit or the  
24      Congressman.

25      Q.     If you could turn to the next exhibit, Government's

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1 Exhibit 7-45, do you recognize that?

2 A. Yes.

3 Q. What is it?

4 A. It's another letter to Vice-President Gore.

5 Q. Did you assist in preparing this?

6 A. Yes.

7 MR. KALL: May I place it on the overhead,  
8 your Honor?

9 THE COURT: Yes.

10 BY MR. KALL:

11 Q. Would you again -- was this also part of your  
12 assistance to Mr. Bucheit with his constituent matter?

13 A. Yes.

14 Q. If I could just ask you to read the middle paragraph  
15 there, the larger one?

16 A. "As you know, Bucheit International has experienced  
17 numerous unethical and questionable activities in its  
18 dealings with Cairo Amman Bank of Gaza. For example,  
19 Bucheit has discovered that corporate accounts were opened  
20 without proper corporate documentation. Corporate checks  
21 denominated in dollars were endorsed and cashed by  
22 individuals without first being deposited into the  
23 corporate account. Cancelled checks were not returned.  
24 Corporate funds in excess of \$100,000 were used to  
25 guarantee an overdraft facility of a private individual,

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1 without knowledge or approval by the corporation, and a  
2 letter of guarantee was written by a bank without notifying  
3 Bucheit in violation of Bucheit management's strict  
4 instructions."

5 Q. Where were you getting the information for this  
6 letter?

7 A. I believe it was contained in the Exhibit 7-43.

8 Q. The initial handwritten letter that you received on  
9 March 19 of '97 with the attached pages --

10 A. Yes, that's correct.

11 Q. -- did you do any kind of research or investigation  
12 to determine if what Mr. Bucheit was telling you was true  
13 or accurate?

14 A. I don't believe so at the time.

15 Q. I'd ask you next to turn to Government's Exhibit 7-51  
16 and 7-52; should be the next two documents there.

17 MR. TRAFICANT: I ask that 7-45 be made a  
18 joint exhibit.

19 THE COURT: Fine.

20 Q. Do you have those two in front of you?

21 A. Yes.

22 Q. What is 7-51?

23 A. It's a handwritten note to the Congressman from Pete  
24 Bucheit.

25 Q. And to whose attention is this sent?

Bliton - Direct/Kall

1 A. To me.

2 Q. Do you recall receiving this while you were employed  
3 there?

4 A. I believe so.

5 MR. KALL: May I place this on the overhead,  
6 your Honor?

7 THE COURT: Yes.

8 BY MR. KALL:

9 Q. It's a little tough to make out. Can you see the  
10 date in the upper right-hand corner?

11 A. It looks like January 11, 1998.

12 Q. And what was Mr. Bucheit asking to you do here?

13 A. To forward a letter that he had written to  
14 Vice-President Al Gore and copy it to Congressman Ben  
15 Gillman.

16 Q. What would be the benefit of having your office  
17 forward something to Vice-President Gore as opposed to  
18 Mr. Bucheit just sending it to Vice-President Gore himself?

19 A. Most likely, it would probably get greater attention  
20 coming from the Congressman's office.

21 Q. Did you do what Mr. Bucheit requested?

22 A. Yes, I did.

23 Q. Is that what's shown on Exhibit 7-52?

24 A. Yes.

25 Q. Is this something you prepared while employed for



Bliton - Direct/Kall

1 Congressman Traficant?

2 A. Yes.

3 MR. KALL: May I place this on the overhead,  
4 your Honor?

5 THE COURT: Yes.

6 Q. And this is a short letter you prepared forwarding  
7 Mr. Bucheit's documents to the vice-president?

8 A. Yes.

9 MR. TRAFICANT: I ask it be a joint exhibit.

10 MR. KALL: No objection.

11 THE COURT: Fine.

12 Q. You can turn now to Government's Exhibit 7-53. Do  
13 you recognize that?

14 A. Yes.

15 Q. What is it?

16 A. It's a letter to Secretary of State Madeline  
17 Albright, former Secretary of State.

18 Q. Is this a letter that you assisted in preparing?

19 A. I believe so.

20 Q. You can take it out of the plastic if it helps.

21 A. Yes.

22 MR. KALL: May I place this on the overhead,  
23 your Honor?

24 THE COURT: Yes.

25 Q. What's the date on the document?

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1 MR. TRAFICANT: Can you blow it up?

2 THE WITNESS: February 9, 1998.

3 MR. TRAFICANT: Move it be a joint exhibit.

4 THE COURT: All right.

5 Q. If I can just ask you to read the first two  
6 paragraphs there?

7 A. "I am writing on behalf of Bucheit International  
8 Limited, a family-owned company in my congressional  
9 district that has been in business since 1908. In 1994,  
10 Bucheit agreed to be the model company for U.S. investment  
11 in Gaza after Vice-President Gore, during a meeting at the  
12 White House, assured Bucheit of protections under the Gaza  
13 Jericho agreement.

14 "After investing \$4.4 million in the area, however,  
15 Bucheit has experienced transportation and standards  
16 barriers, a mismanaged system of regulations and unethical,  
17 if not, illegal activity, which has resulted in Bucheit's  
18 default on a U.S. Government loan.

19 "In 1994, Bucheit International, with the support of  
20 the Office of the Vice-president, the U.S. Department of  
21 Commerce, and Builders for Peace, was granted \$3.3 million  
22 in political risk insurance from the Overseas Private  
23 Investment Corporation, OPIC. In 1995, Bucheit received a  
24 \$1.1 million loan from OPIC for the purchase of additional  
25 equipment and working capital. In addition, Bucheit

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1 transferred \$300,000 to its corporate account in Gaza."

2 Q. Again, is this information that you were receiving  
3 from Pete Bucheit?

4 A. Yes.

5 Q. And one of the issues he was asking you to assist on  
6 was this \$1.1 million loan?

7 A. I think that was the loan that he was in default on,  
8 yes.

9 Q. And that was a loan that he owed to whom?

10 A. To OPIC.

11 Q. And what was OPIC trying to do?

12 A. OPIC was trying to recover its money.

13 Q. I'd ask you to turn to the other side of Page 2 of  
14 this. The middle paragraph refers to nine months of  
15 inquiries and investigations; is that correct?

16 A. Yes.

17 Q. What investigations and inquiries were done over the  
18 course of that nine months?

19 A. Well, in addition to I think the letters that were  
20 written, the Congressman's office had communicated with the  
21 appropriate Government entities on behalf of Mr. Bucheit  
22 with the entities I think being the Department of State and  
23 its OPIC officials and some U.S. embassy officials in  
24 Israel. And in general, when there were any type of  
25 discrepancies that came up, we tried to figure out exactly

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1       what was going on and, you know, try to still work on  
2       behalf of our constituent, try to, I guess, be a liaison or  
3       mediator between the appropriate parties.

4       Q.     Did some discrepancies come up?

5       A.     Yes.

6       Q.     What do you recall those discrepancies being?

7       A.     I think that there -- there was a discrepancy, I  
8       think, in regards to the crane, to where it was, and to who  
9       probably had it in their possession.

10      Q.     Let me do this.  If I could direct your attention to  
11      Government's Exhibit 7-55, do you recognize that?

12      A.     Yes.

13      Q.     And generically, what kind of document is the first  
14      page there?

15      A.     It's a handwritten note.

16      Q.     Whose handwriting is that?

17      A.     That's mine.

18      Q.     Do you recall writing this note?

19      A.     Yes.

20      Q.     And there's a couple pages attached behind that,  
21      correct?

22      A.     Yes.

23      Q.     Did you prepare this note in the course of your  
24      duties with Congressman Traficant?

25      A.     Yes, I did.

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1 MR. KALL: May I place this on the overhead,  
2 your Honor.

3 THE COURT: Yes.

4 Q. Would you read that note please?

5 A. It says "Paul, this is the state/OPIC response to our  
6 letter. Please read. How far are we going on this thing?  
7 Should we do whatever Bucheit wants to appease him, or  
8 should I try to State's recommendations? Please advise.  
9 Kim."

10 Q. Why did you write this note?

11 A. We had received a response from the Department of  
12 State that I think outlined the State Department's position  
13 in terms of what their appropriate role was in helping  
14 Mr. Bucheit, at least what they thought their role was, and  
15 I -- I wanted to know if we were going across the  
16 Government further in terms of what they could do, and  
17 essentially, I was -- or whether we would -- we were going  
18 to just go with what the State Department recommended.

19 Q. What were the concerns that the State Department had?  
20 Are you look looking right now at the letter behind this  
21 posted note?

22 A. Yes.

23 Q. And this is something you received in the course of  
24 your employment?

25 A. Yes.

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1 Q. Is it fair to say the State Department had a number  
2 of concerns?

3 A. Yes.

4 Q. Is one of those concerns that there was no need to  
5 get the Palestinian authority involved because this was a  
6 private dispute?

7 A. Yes.

8 Q. And were they also concerned of Mr. Bucheit's  
9 inability to provide them with documentation about the  
10 rebate he claimed he was owed?

11 A. Yes.

12 Q. Did they also raise the issue of Mr. Bucheit's  
13 failure to pay for the insurance he was claiming he had?

14 A. Yes.

15 Q. And based on all of those, you wrote this note, "how  
16 far are we going on this thing?"

17 A. Yes.

18 Q. Did you discuss this after with anyone?

19 A. After I wrote the note to Paul? Yeah, we discussed  
20 it.

21 Q. And were you instructed to keep going?

22 A. Yes. I believe that sometime after this point -- and  
23 I can't remember for sure, but I think that -- well, I  
24 think this letter was -- was provided to the Congressman,  
25 and I think at some point -- I don't know whose suggestion

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1       it was -- but there was a meeting between the Department of  
2       State and OPIC and Mr. Bucheit in the Congressman's office  
3       to try to iron out some of the issues, or that was -- that  
4       was my understanding.

5       Q.     Did your office continue to assist Mr. Bucheit?

6       A.     Yes.

7       Q.     Was it your understanding that that's what  
8       Congressman Traficant wanted you to do?

9       A.     Yes.

10      Q.     Would you take a look at Exhibit 7-60? Do you  
11      recognize that?

12      A.     Yes.

13      Q.     What type of document is that?

14      A.     It's a briefing memo on a meeting between Mr. Bucheit  
15      and OPIC.

16      Q.     Is this something you prepared in the course of your  
17      duties?

18      A.     Yes.

19      Q.     What is a briefing memo? What do you mean by that?

20      A.     Typically whenever there was -- there were Government  
21      officials coming to the office, the Congressman asked that  
22      we provide details on essentially what the meeting was  
23      about, and possibly what could be expected or what would be  
24      asked.

25      Q.     And this briefing memo, Exhibit 7-6, did you also

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1 list some concerns that you had regarding the Bucheit case?

2 A. Yes.

3 MR. KALL: May I place this on the overhead,  
4 your Honor?

5 THE COURT: Yes.

6 MR. TRAFICANT: I ask it be made a joint  
7 exhibit.

8 THE COURT: Fine.

9 BY MR. KALL:

10 Q. I could ask you to read the first paragraph, Number 1  
11 there?

12 A. "OPIC loaned Bucheit \$900,000. OPIC says Bucheit  
13 can only account for \$300,000 of the \$900,000 left. What  
14 happened to \$600,000?"

15 Q. Did you ever learn what happened to that \$600,000?

16 A. To be perfectly honest, I really don't remember.

17 Q. Okay. Why was this a concern?

18 A. Well, because, I mean, to me -- you know, if Bucheit  
19 had not provided OPIC information as to that \$600,000,  
20 there could potentially be an issue.

21 Q. Who did you send this briefing memo to?

22 A. This memo was specifically prepared for Congressman  
23 Traficant, and I also provided it to Paul Marcone.

24 Q. Could I ask you to read the second paragraph?

25 A. "Bucheit claims he has no partners in Gaza, just



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1 directors. But OPIC has signed documents from Bucheit  
2 attesting to having partners."

3 Q. So essentially, you heard from OPIC they had  
4 documentation to refute one of Mr. Bucheit's claims?

5 A. That's correct.

6 Q. And that was a matter of concern?

7 A. Yes.

8 Q. Read Paragraph 3, please.

9 A. "Bucheit wants OPIC to go after the PA to get his  
10 crane back and the local bank for money his partner,  
11 Mr. Efranji, allegedly stole. OPIC got an estimate on the  
12 crane, which is only worth \$170,000. The bank loan to  
13 Efranji was only for \$5,000, which Efranji says he used to  
14 pay some of Bucheit's local debts.

15 "Even if OPIC went after these assets, which they  
16 claim is a commercial dispute, not a Government or  
17 political dispute, \$175,000 won't pay off Bucheit's  
18 \$900,000 debt."

19 Q. So the concern there was that OPIC wanted to recover  
20 on their loan, correct?

21 A. Yes.

22 Q. And Mr. Bucheit was attempting to simply reply if  
23 OPIC takes over this crane?

24 A. Well, I think that he was also trying to sell a  
25 building of his in Washington, D.C., but I think at the

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1 time we had been focusing a lot -- he had been focusing a  
2 lot on the crane, where the crane was, and what happened to  
3 the crane, and I -- I'm not sure when I became aware of  
4 this building in Washington, D.C., might have been right  
5 around this time.

6 Q. Let me ask you, right under that, there's sort of an  
7 asterisk, and then could you read that paragraph there?

8 A. Yes. It says "Also, Bucheit never took out political  
9 risk insurance. So the dispute is political. OPIC can't  
10 legally help him. Bucheit stopped paying his project  
11 insurance long ago."

12 Q. Did Mr. Bucheit claim that he had insurance?

13 A. I believe in one of the previous exhibits the letter  
14 actually states that Mr. Bucheit had obtained political  
15 risk insurance.

16 Q. Did he ever advise you that he had stopped paying the  
17 premiums on that?

18 A. He did not.

19 Q. And was that also a matter of concern you wanted to  
20 raise?

21 A. Yes.

22 Q. If you could read Paragraph 4, please.

23 A. "Bucheit has signed over his D.C. building to OPIC  
24 to pay his \$900,000 debt. However, he neglected to tell  
25 OPIC the following:

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1           "1. Bucheit didn't pay D.C. taxes on the building.  
2       The D.C. Government was about to foreclose on the building  
3       so OPIC had to pay \$67,000 in taxes and penalties to D.C.  
4       to preserve this asset.

5           "2. Bucheit hadn't paid insurance on the building  
6       so OPIC had to pay that, too.

7           "3. There was a lien against the building because  
8       Bucheit failed to pay the building operator. OPIC paid  
9       this, also.

10           "OPIC has paid \$200,000 to \$300,000 total to  
11       preserve this asset."

12       Q.     Mr. Bucheit had never told you those facts either,  
13       had he?

14       A.     No.

15       Q.     You found those out from whom?

16       A.     All of this information, I believe, I was told over  
17       the phone by an OPIC official.

18       Q.     Was Congressman Traficant still willing to work with  
19       Mr. Bucheit?

20       A.     Yes.

21       Q.     And after you raised these concerns with Congressman  
22       Traficant, Mr. Marccone, did you continue to assist  
23       Mr. Bucheit?

24       A.     I talked to Paul Marccone I believe it was after -- I  
25       think the Congressman maybe had left town or something, and

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1 I had talked to Paul about it, and he said that he would --  
2 he would talk to the Congressman because I had expressed  
3 that I was concerned with some of these things, and -- oh,  
4 you know, I remember. I think I did actually mention  
5 something to the Congressman, and when I mentioned it to  
6 him, I believe he said talk to Pete, Mr. Bucheit. And I  
7 did.

8 Q. What was your understanding about whether Congressman  
9 Traficant wanted you to keep assisting Mr. Bucheit?

10 A. Well, when I -- when I talked to Paul and said I  
11 believe Mr. Bucheit tried to offer some explanations for  
12 these, but I was still -- still had some concerns and I --  
13 I felt a little uncomfortable with this, and when I talked  
14 to Paul, he said he would talk to the Congressman and not  
15 to worry, and when I followed up with Paul, he said that he  
16 had talked to the Congressman, and that he would -- that we  
17 would try to -- we would try to phase out the work that we  
18 were doing on behalf of Mr. Bucheit.

19 Q. You raised these concerns around mid July of 1998,  
20 correct?

21 A. Yes.

22 Q. Were there meetings throughout the course of that  
23 summer with OPIC officials regarding Mr. Bucheit?

24 A. I honestly -- I'm sorry, I can't remember. It's  
25 possible.

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1 Q. Would it refresh your recollection to see some other  
2 documents?

3 A. Probably.

4 MR. TRAFICANT: I move that this be a joint  
5 exhibit.

6 MR. KALL: These are Exhibits 7-56, 7-57, and  
7 7-58. Would you read those to yourself.

8 THE COURT: All of those?

9 MR. TRAFICANT: All three.

10 THE COURT: Fine.

11 THE WITNESS: Okay. I'm sorry, can you  
12 repeat the question?

13 Q. I'm just asking, do you recall meetings held in the  
14 summer of 1998 between your office, OPIC, and Mr. Bucheit?

15 A. Yes. There -- I guess there might have been one  
16 meeting.

17 Q. If I could ask you to look at the next document,  
18 Exhibit 7-62?

19 MR. TRAFICANT: Excuse me. What was in the  
20 three documents?

21 MR. KALL: Congressman, you have copies of  
22 those. It was shown to the witness to refresh her  
23 recollection.

24 MR. TRAFICANT: What was the question asked  
25 that she answered?

Bliton - Direct/Kall

1 MR. KALL: If she recall meetings.

2 MR. TRAFICANT: Okay. What was -- what was  
3 the answer?

4 THE WITNESS: I think I remember one meeting.

5 Q. If I could ask you to look at Exhibit 7-62, you  
6 testified earlier that Mr. Bucheit had a building at stake,  
7 correct?

8 A. Yes.

9 Q. What was going on with that building?

10 A. I believe that he was going to use that building --  
11 he was going to sell that building to get the funding in  
12 order to be repay OPIC.

13 Q. Did you -- if you could look at 7-62, do you  
14 recognize that?

15 A. Yes.

16 Q. What is it?

17 A. It's a letter to President Munoz, who was president  
18 and chief executive officer of OPIC.

19 Q. Is this something that you prepared while working for  
20 Congressman Traficant?

21 A. Yes.

22 MR. KALL: May I place it on the overhead,  
23 your Honor?

24 THE COURT: Yes.

25 Q. If you could read the third paragraph.

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1       A.       "I respectfully request that you delay any legal  
2       action against Bucheit International until February 1,  
3       1999, for the following reasons:

4               "First, with respect to the sale of the Washington,  
5       D.C. property, Bernard Pete Bucheit has explained to me  
6       that the buyer, who is unable to get money out of China, is  
7       currently pursuing investment partners in order to finalize  
8       the sale of the building. While the sale may not be  
9       finalized by December 15, as scheduled, Mr. Bucheit is  
10      reasonably certain that the buyer can finalize the sale of  
11      the property by February 1st.

12              "Second, due to the upcoming Islamic holiday of  
13      Ramadan, it would be extremely difficult for Bucheit to  
14      finalize the sale of the Gaza facility and equipment in the  
15      final weeks of the year just prior to OPIC pursuing legal  
16      action.

17              "As you may know, the month of Ramadan begins  
18      December 20, 1998, and will last until January 17, 1999."

19      Q.       Essentially your office was asking OPIC to hold off  
20      on forcing the sale of this building?

21      A.       Yeah, I think for roughly a month or so.

22                      MR. TRAFICANT: I ask it be a joint exhibit.

23                      THE COURT: Those are.

24      Q.       If you could look at 7-63, what was OPIC -- what is  
25      this?

Bliton - Direct/Kall

1 A. Oh, it was Munoz's response to the Congressman on the  
2 previous exhibit.

3 Q. Do you recall seeing this in the course of your  
4 employment?

5 A. Yes.

6 Q. And did OPIC agree to delay forcing the sale of the  
7 building?

8 A. Yes.

9 Q. Do you know what eventually happened to that  
10 building?

11 A. I think it was sold, but I really can't remember.

12 Q. You mentioned earlier that as part of your duties you  
13 also assisted Mr. Bucheit with a dispute with a Kuwaiti  
14 bank, correct?

15 A. Yes.

16 Q. Who instructed to you assist Mr. Bucheit with that?

17 A. The Congressman and his chief of staff.

18 Q. Did you write any letters to anyone regarding this  
19 matter?

20 A. I believe we wrote a letter to the Kuwaiti embassy in  
21 Washington.

22 Q. If I could ask you to look at Exhibit 7-72 and 7-73?

23 MR. TRAFICANT: I ask that 7-63 be made a  
24 joint exhibit first.

25 THE COURT: All right.



Bliton - Direct/Kall

- 1 Q. Do you recognize 7-72?
- 2 A. Yes.
- 3 Q. Is this something you received in the course of your
- 4 duties?
- 5 A. Yes.
- 6 Q. Do you recognize the handwriting?
- 7 A. I think it's -- I think it's Pete Bucheit's.
- 8 Q. And could you just read the top two lines there?
- 9 A. "Letter to ambassador to Kuwait."
- 10 Q. And the next one line reads --
- 11 A. "Referring to Burgan Bank."
- 12 Q. Look at 7-73, the next document, do you recognize
- 13 that?
- 14 A. Yes.
- 15 Q. What is it?
- 16 A. It's a letter to the U.S. ambassador to Kuwait, I
- 17 believe.
- 18 Q. Is this something that you assisted in preparing in
- 19 the course of your employment?
- 20 A. Yes.
- 21 Q. If you could read -- let's start with 7-72. On the
- 22 back side at the bottom, right next to the Bates number
- 23 there, there's three letters. What letters are there?
- 24 A. At the very bottom?
- 25 Q. Yes.

Bliton - Direct/Kall

1 A. JAT.

2 Q. What did you understand Mr. Bucheit was asking to you  
3 do with this, if anything?

4 A. This would be a letter to be sent under the signature  
5 of the Congressman.

6 Q. If I could ask you to read the second, third and  
7 fourth paragraph on the first page.

8 A. Sorry, second and --

9 Q. Starting at the second paragraph and the rest of the  
10 first page.

11 A. Okay. "Bucheit is a shareholder of Gulf Global  
12 Petroleum Establishment, which has maintained" -- I think  
13 it's -- "\$3 million fixed deposit account with Burgan Bank  
14 since August 17, 1980. Following Saddam Hussein's invasion  
15 of Kuwait in 1990, Gulf Petroleum continued to maintain the  
16 fixed deposit account, plus accrued interest in order to  
17 continue its oil trading business."

18 "Following the Gulf War, the Burgan Bank was taken  
19 over by the Kuwaiti Government. At that time, Gulf Global  
20 Petroleum discovered that its deposit account Number  
21 1260550 has just disappeared. Burgan Bank denies that the  
22 Gulf Global account ever existed (example 3)."

23 Q. If you'd look at 7-73, you essentially used that  
24 exact same language on this letter that was sent out?

25 A. Yes.



Bliton - Direct/Kall

1 Q. If you'd look at exhibits 7-74 and 7-75?

2 MR. TRAFICANT: I ask 72 and 73 be joint  
3 exhibits.

4 THE COURT: All right.

5 Q. Do you recognize 7-74?

6 A. Yes.

7 Q. What is it?

8 A. It's a handwritten note from Pete Bucheit to me  
9 asking that the Congressman's office draft a letter to the  
10 Kuwait embassy in Washington, D.C.

11 MR. KALL: May I place this on the overhead,  
12 your Honor.

13 THE COURT: Yes.

14 Q. If you could read the top lines there?

15 A. "To Kim Harris Bliton, draft, as you like, Pete  
16 Bucheit."

17 Q. And did you draft a letter based on what Mr. Bucheit  
18 gave you?

19 A. Yes, looks like it.

20 Q. Is that what Government's Exhibit 7-75 is?

21 A. Yes.

22 MR. KALL: May I place this on the overhead,  
23 your Honor?

24 THE COURT: Yes.

25 MR. TRAFICANT: I ask it be made a joint

Bliton - Direct/Kall

1 Exhibit 7-74.

2 THE COURT: Yes.

3 Q. And again, this is your office sending out a letter  
4 that Pete Bucheit requested you send, correct?

5 A. Yes.

6 Q. Did you do any kind of research before sending this  
7 letter out?

8 A. No.

9 Q. Was it your understanding that you were authorized to  
10 go ahead and send out letters like this when Pete Bucheit  
11 would ask you?

12 A. I didn't do it on my own. I mean, I -- I certainly  
13 showed this to Paul Marccone and cleared it with him before  
14 I did this.

15 Q. Do you know if the dispute with the Kuwaiti bank was  
16 ever resolved?

17 A. I don't think -- to my knowledge, it wasn't. I don't  
18 really know, though. I don't know how much.

19 Q. Do you know what the outcome of Mr. Bucheit's dispute  
20 with OPIC regarding the project in Gaza was?

21 A. No. I'm -- I think -- I think he said he might have  
22 sold the building in order to repay OPIC, but I honestly  
23 don't remember for sure.

24 Q. You looked at a number of documents. Are those all  
25 of the documents that you recall seeing regarding Pete

Bliton - Direct/Kall

1       Bucheit's constituent case, or were there more than that?

2       A.     I think there were a lot more than this.

3       Q.     And do these letters reflect all the meetings or  
4       telephone calls that might have been held?

5       A.     Do these reflect all the meetings and telephone  
6       calls? I think they probably represent a good portion of  
7       them. I really -- without having the file in front of me,  
8       I can't -- can't really say.

9       Q.     Okay.

10      A.     I mean the file probably contained a lot of  
11     supporting documents as well.

12      Q.     And there were a lot more documents in the file than  
13     what we've seen here?

14      A.     Yeah. The file is --

15      Q.     Was this a large constituent service project for you?

16      A.     Not -- not really. I mean, there were plenty of  
17     other things that I worked on over the course of weeks and  
18     months. So it -- it sort of depends on -- what time frame  
19     you're talking about. And if you get any -- I would -- I  
20     was just directed to write letters during a certain point  
21     where we received more information or we were -- the  
22     Congressman was acting as an mediator between Government  
23     officials and Mr. Bucheit, I think we were a little bit  
24     more engaged, and then really, there were limited things  
25     that we could do to help Mr. Bucheit himself.

Bliton - Direct/Kall

1           And so, as I said earlier, some of what we were doing  
2           slowed and dropped off.

3           Q.     Was Pete Bucheit ever in the congressional office?

4           A.     Yes.

5           Q.     How often?

6           A.     Usually consistent with -- well, it's hard for me to  
7           say. I really can't remember. I mean, as issues arose, he  
8           sometimes would make trips to Washington to meet with the  
9           Congressman.

10          Q.     How did you feel about your role in helping  
11          Mr. Bucheit?

12          A.     In general, I -- I would say that I guess it started  
13          off okay, and I guess I had certain frustrations and  
14          concerns at a couple of points along the way and expressed  
15          those concerns to my superiors.

16          Q.     At the time you were helping Pete Bucheit, did you  
17          think there was anything wrong with it?

18          A.     You know, there wasn't anything, but I really felt  
19          like there wasn't any hard evidence showing that anything  
20          was wrong. I mean, there was some discrepancies, but I  
21          didn't really feel like there was really anything illegal  
22          going on. But, still all the same, the fact that some of  
23          this information I got late, just made me uncomfortable,  
24          and so I -- I talked to my superiors about it.

25          Q.     Were you aware of any congressional rules regarding

Bliton - Direct/Kall

1 accepting things of value in return for work that had been  
2 done?

3 A. Yes.

4 Q. What was your understanding of those rules?

5 A. I think House rules state that they're pretty strict  
6 in terms of what you can just accept from constituents. I  
7 think that you're allowed to go -- a constituent can take  
8 you to lunch maybe and I think maybe give you some type of  
9 small gift, but it would have to be -- I don't remember how  
10 much the amount is, but it's really an insignificant  
11 amount.

12 Q. Did Pete Bucheit ever offer you anything of value?

13 A. No, he did not.

14 Q. During the time you worked for Congressman Traficant,  
15 did he ever tell you that after he had helped Pete Bucheit  
16 with the project in Saudi Arabia that Pete Bucheit had sent  
17 a carpenter out to his farm?

18 A. No.

19 Q. Did Congressman Traficant ever tell you that he asked  
20 carpenters hired by Pete Bucheit to do substantial repairs  
21 to his farmhouse?

22 A. The Congressman never discussed his farm with me.

23 Q. Did Congressman Traficant ever tell you that he owed  
24 Pete Bucheit money for work that Pete Bucheit had done for  
25 him?



Bliton - Cross

1       A.     No. I wasn't aware that Mr. Bucheit had done any  
2       work for the Congressman.

3               MR. KALL: May I have just a moment? No  
4       further questions, your Honor.

5               THE COURT: Thank you. It's time for a break.  
6       We'll take a half an hour break. That means we'll come  
7       back at 4:00.

8               (Thereupon, a recess was taken.)

9               THE COURT: You're still under oath. You can  
10      be seated.

11              CROSS-EXAMINATION OF KIMBERLY BLITON

12      BY MR. TRAFICANT:

13      Q.     Good afternoon, Kim.

14      A.     Hi.

15      Q.     You're wearing your hair differently?

16      A.     I am not.

17      Q.     Yes. You used to have it down the front, didn't you?

18      A.     I still wear it that way.

19      Q.     You make more money now than when you worked for me?

20      A.     Yes.

21      Q.     Did you get your -- any further degrees after you  
22      left?

23      A.     No. I still just have a master's degree.

24      Q.     Did you get your masters?

25      A.     Yeah. I got it when I worked for you.

Bliton - Cross

1 Q. You got it at night school, didn't you?

2 A. Yes.

3 Q. Where did you graduate from?

4 A. Graduate school or --

5 Q. Yeah.

6 A. George Mason University.

7 Q. Where were you from -- or did you undergraduate work?

8 A. I'm sorry?

9 Q. Where did you do your undergraduate?

10 A. Undergraduate, the University of Cincinnati.

11 Q. Um-hum.

12 And what was your home state of residence?

13 A. Ohio.

14 Q. Where in Ohio?

15 A. Originally, I was from Cuyahoga Falls, Ohio.

16 Q. Now, you were asked a number of questions. There are  
17 a number of documents set on the table, and I'm going to  
18 show you a Government's Exhibit that is 7-21. Do I have  
19 this turned off?

20 MR. SMITH: It's going to come up in about  
21 ten seconds.

22 Q. Session closes at 4:30, and I'm hoping we can move  
23 on.

24 So yes or nos are fine with me, but you can say  
25 anything you want. If you have to come back tomorrow,

Bliton - Cross

1       you'll have to come back. I want you to know that while  
2       we're waiting on this. Could we blow this up?

3                   MR. SMITH: Use the Elmo.

4       Q.     Best of your knowledge, is that my handwriting?

5       A.     Yes.

6       Q.     Who is it to?

7       A.     James Baker.

8       Q.     Now, the Government has been kind, and I thank them.

9       So I don't have to go through a myriad of papers. I want  
10      to show you -- I may have some questions about some of  
11      these issues, but does that look like my signature?

12      A.     There's sure, I mean, there's -- could be. I mean,  
13      your personal signature or the signature that we used in  
14      sending out letters?

15      Q.     Were you allowed to sign my name?

16      A.     Occasionally.

17      Q.     Well, is there any law prohibiting staffers from  
18      signing their Members name on documents?

19      A.     Any law? Not that I'm aware of.

20      Q.     Didn't, in fact, you at times sign letters?

21      A.     Yes.

22      Q.     Are you familiar with mailing, franking privilege of  
23      the House?

24      A.     Yes.

25      Q.     When congressional mail goes out, does it require

Bliton - Cross

1 stamps?

2 A. No.

3 Q. Members have a free mailing postage, don't they, as  
4 long as it pertains to congressional business; is that  
5 correct?

6 A. I -- I mean, we don't -- we didn't have stamps on  
7 letters, but for some reason, I guess I thought that the  
8 Congressman's office paid some postage for the franking  
9 privilege. I don't --

10 Q. You're not sure? But you know there was a stamp that  
11 was put on for members of Congress?

12 A. Sure.

13 Q. If I were to send, for example, back home a -- to pay  
14 my Electric bill, would I be required by law to put a stamp  
15 on it?

16 A. Sure.

17 Q. Okay.

18 Now, you see this signature? Who was that one mailed  
19 to?

20 A. Al Gore.

21 Q. Now, does that signature look like the signature  
22 above it?

23 A. I guess so, sure.

24 Q. Similarities, would you say?

25 A. Yeah, it's similar.

Bliton - Cross

- 1 Q. But this letter to Vice-President Gore had a what on  
2 it?
- 3 A. Had a --
- 4 Q. At the top, how did it address him?
- 5 A. There's a slash, and it says Al.
- 6 Q. Does that look like my handwriting?
- 7 A. Yes.
- 8 Q. Okay. Is that a letter to -- that looks like my  
9 signature?
- 10 A. Yeah. It all looks like your signature.
- 11 Q. How does it compare with that signature, if you can  
12 see it?
- 13 A. It looks similar.
- 14 Q. Well, for example, does the one on top curl up?
- 15 A. Sure.
- 16 Q. Does the one on the bottom curl down?
- 17 A. Yeah.
- 18 Q. Now, the letter that was sent to Secretary Baker had  
19 hello on it, right?
- 20 A. Yeah.
- 21 Q. The one that was sent to Vice-President Al Gore had  
22 Al on it. Do you see Al written in by hand?
- 23 A. Yeah.
- 24 Q. Can you see this signature?
- 25 A. Yes.

Bliton - Cross

1 Q. How does it compare to that signature?

2 A. Let me see if I can get them both on the board  
3 together.

4 Q. Would you say the one on the bottom was my signature?

5 A. You know, I really don't know -- I really don't know  
6 the difference. Sorry, I mean --

7 Q. But members of my staff could sign my mail, couldn't  
8 they?

9 A. Sure.

10 Q. And if I was in the district, they could send out a  
11 mail and put my name on it, sign my name to it, couldn't  
12 they?

13 A. Well, yes. But I guess it depends on what staff  
14 member you're talking about and whether or not it went to a  
15 Government official.

16 Q. Who that one go to?

17 A. Vice-President Gore.

18 Q. Something different between that one and the first  
19 one? Is there any dear Al on it?

20 A. No.

21 Q. Isn't really to try to trick you. The point is I  
22 didn't -- I didn't sign many of the documents that left my  
23 office. Isn't that a fact?

24 A. Sure.

25 Q. Did we receive large volumes of mail, Kim?

Bliton - Cross

1 A. Yes.

2 Q. Would you say we received as much if not more than  
3 most members?

4 A. I'd have no way of comparing that. I would say that  
5 we probably received maybe as much?

6 Q. Was I an active member?

7 A. Active how?

8 Q. On the House floor and legislation?

9 A. Yeah. You gave speeches everyday, sure.

10 Q. Did I offer amendments to bills?

11 A. Yes.

12 Q. Did you help draft those?

13 A. With the help of legislative counsel.

14 Q. And did we pass many of them on appropriation bills?

15 A. I don't think you can legislate on appropriation  
16 bills.

17 Q. But did we not put Buy American amendments on every  
18 appropriation bill that was passed while you were there?  
19 Think.

20 A. I mean, it's possible we did. I don't know if  
21 every --

22 Q. -- single one?

23 A. Right.

24 Q. How many are there, appropriation bills?

25 A. I have no idea.

Bliton - Cross

- 1 Q. Okay.
- 2 A. Can't remember.
- 3 Q. Now, at some point, you were visited by FBI agents.
- 4 Did they call you first?
- 5 A. Yes.
- 6 Q. Tell you they were coming?
- 7 A. Well, they said they wanted to meet with me.
- 8 Q. And you arranged for a meeting?
- 9 A. I agreed that I would meet with them, yes.
- 10 Q. How many times did you meet with FBI agents? How
- 11 many occasions?
- 12 A. I guess they interviewed me once in Virginia, and
- 13 then I maybe they talked to me again around the Grand Jury
- 14 here in Cleveland, and that's as far as I guess meetings
- 15 per say.
- 16 Q. When they --
- 17 A. I mean -- no, wait. And I guess there was a month or
- 18 two ago, they -- there was a meeting with the prosecutors,
- 19 and the FBI was present in Washington again.
- 20 Q. So you had three meetings?
- 21 A. I think so.
- 22 Q. Is the Prosecutor in the room?
- 23 A. Yes.
- 24 Q. Point to him and identify him?
- 25 A. They're sitting at that table.



Bliton - Cross

1 MR. TRAFICANT: Let the record reflect she  
2 identified Prosecutor Morford.

3 Q. Now, when you met with the agents in D.C. --

4 THE COURT: Well, wait a minute. If you want  
5 to confirm that, then we have to have her actually identify  
6 somebody. She just said they're sitting at the table.

7 Q. Did you point to this fellow sitting here, or did I  
8 miss that?

9 A. I kind of pointed to both Craig Morford and Matt  
10 Kall.

11 Q. Were they both there?

12 A. They were both in Washington?

13 Q. No. Were they both at that meeting when the  
14 prosecutors were present with the FBI agents?

15 A. You mean here in Cleveland?

16 Q. Yes.

17 A. I spoke with Craig Morford, and I think Matt told me  
18 later that he was present at that meeting, but I actually  
19 don't remember him being there.

20 Q. When you pointed, you pointed to Mr. Morford, right?

21 A. I pointed to both of them.

22 Q. Okay.

23 MR. TRAFICANT: Let the record reflect that  
24 you talked to both of them. Okay?

25 Q. Did the agents that interviewed you in Virginia or

Bliton - Cross

1        wherever it was, not in Ohio, did they identify themselves?

2        A.     Yes.

3        Q.     Where were they from?

4        A.     I think they were based in Virginia.

5        Q.     In Virginia. How many of them came to see you?

6        A.     I met them in Tyson's corner, I think, and there were  
7        two of them, and one just questioned me, and I think the  
8        other one was just present for the most part.

9        Q.     Did they ask you for any documents, Kim?

10       A.     Yes.

11       Q.     Did you have any?

12       A.     Yes.

13       Q.     And did you give them to them?

14       A.     Yes.

15       Q.     And why did you give them to them?

16       A.     Because they asked me to voluntarily turn them over.

17       Q.     Were they letters that had gone, for example, to the  
18       vice-president?

19       A.     I believe so.

20       Q.     Did you call and ask anybody if it was legal for you  
21       to turn over a letter from a Congressman to the  
22       vice-president of the United States?

23       A.     I called Paul Marcone just to make sure that I wasn't  
24       going to do anything in violation of House rules by turning  
25       over documents because I really didn't want to be in

Bliton - Cross

1 trouble either way.

2 Q. You know what time of the -- you know when that  
3 meeting occurred when you gave them the documents?

4 A. What time the meeting occurred?

5 Q. Yeah, roughly, month, year?

6 A. No. Honestly, I'm sorry. I have no idea. It was  
7 over a year ago.

8 Q. Did you ask Paul if someone had authorized you to and  
9 you were allowed to give the documents? Did you ask Paul  
10 that?

11 A. I asked Paul that at some point. I mean --

12 Q. Well, when you first -- when you first met with the  
13 FBI, did you give them documents?

14 A. When I first met with them? No, I did not.

15 Q. It was more or less general talk, right?

16 A. Well, they asked me to bring the documents to the  
17 meeting.

18 Q. To the second meeting?

19 A. No, to the first meeting.

20 Q. And you did not?

21 A. And I did not.

22 Q. Why didn't you, Kim?

23 A. Because, as I mentioned previously, I was concerned  
24 that -- I just didn't want to do anything that might  
25 violate the speech and debate clause.

Bliton - Cross

1 Q. Are you familiar with the speech and debate clause ,  
2 Kim?

3 A. Somewhat.

4 Q. But you're not a lawyer, are you, at least you didn't  
5 get an juris doctorate, did you?

6 A. No.

7 Q. So you tried to find out because you knew there were  
8 some technicalities when the Congressman writes a  
9 vice-president. There could be some legal issues; is that  
10 right?

11 A. I really honestly didn't know what the issues were  
12 because I'm not an attorney, and I just wanted to do the  
13 right thing.

14 Q. Okay.

15 Did Paul or did anybody -- did you receive the okay  
16 from anybody to turn over the documents to the FBI?

17 A. I think Paul stated when I asked him about whether  
18 there would be anything wrong with turning over the  
19 documents, he said to go ahead and turn them over and  
20 cooperate.

21 Q. Very good. Did you do that?

22 A. Yes.

23 Q. Would you remember the date of that second meeting if  
24 I were to show you a document?

25 A. The day of which second meeting?

Bliton - Cross

1 Q. You said you met with the FBI twice.

2 A. In Cleveland here?

3 Q. No, not the Cleveland meeting. Just for appearance  
4 of time, did you meet with them roughly around July, the  
5 Year 2000? Would you remember the second meeting to be  
6 around the middle of July, Year 2000?

7 A. I'm sorry. I don't know when it was. I really can't  
8 remember.

9 Q. 302, 7-13. 7-14, Page 1.

10 Let's look rather at 302, 6-22-00.

11 MR. TRAFICANT: Mine's all marked up, your  
12 Honor, just take a look at it.

13 THE COURT: What do you want me to look at?

14 MR. TRAFICANT: I want you to look at the  
15 date. I will not be done with this witness today.

16 THE COURT: You want me to look at the date  
17 on --

18 MR. TRAFICANT: Yeah. I would set it aside  
19 for today because I'm going to go until you tell me to  
20 stop, but --

21 THE COURT: Then I did look at the date.

22 MR. TRAFICANT: Okay. I'm going to -- rather  
23 than go into that, I'll take it up tomorrow because I could  
24 do a couple other things today.

25 THE COURT: Okay.

Bliton - Cross

1 MR. TRAFICANT: Okay?

2 Q. Did I ever demean you, Kim?

3 A. What do you mean?

4 Q. Demean you, treat you bad?

5 A. I think generally you were okay to me, yeah.

6 Q. Was it not a fact that you were the very first  
7 employee in the office every morning?

8 A. Not during my entire appointment.

9 Q. But towards the end, were you there the first of the  
10 morning?

11 A. Yes.

12 Q. And what did you do the first thing you'd come in?

13 A. I usually -- the first thing I did was to grab the  
14 newspaper and put on a pot of coffee.

15 Q. And who would be the next person in the office you'd  
16 usually see?

17 A. I don't know. I guess -- most of the staff walked in  
18 around 8:30.

19 Q. Was I there before the office staff walked in?

20 A. You were there usually before I walked in.

21 Q. Did I drink coffee?

22 A. Yeah.

23 Q. How did I drink it?

24 A. I think you drank it black.

25 Q. When you met with the FBI the second time, did you

Bliton - Cross

1       have somebody present? Did you have somebody attend the  
2       meeting with you?

3       A.     I only remember -- I think the second time the FBI  
4       was present at a meeting where we actually sat and  
5       discussed things; was here in Cleveland, and no, I did not.

6       Q.     Did you ever have a meeting with the FBI and your  
7       husband present?

8       A.     Yes.

9       Q.     Why was your husband present?

10      A.     Because I was pretty nervous, and he was just for  
11      moral support for me.

12      Q.     What time of the day was it?

13      A.     It was -- I think it was after work for me. I don't  
14      know exactly what time.

15      Q.     Did members of my staff fear me?

16      A.     No, I wouldn't -- I wouldn't say -- like what?  
17      Bodily harm or --

18      Q.     Yeah, fear me?

19      A.     No. I don't think so.

20      Q.     Were they afraid of me?

21      A.     I don't think so.

22      Q.     Would I accept their ideas?

23      A.     Sometimes.

24      Q.     Who had the final say?

25      A.     You did.

Bliton - Cross

1 Q. Did I delegate a lot of authority to my staff?

2 A. What do you mean by that?

3 Q. When you looked at bills that were relative to the  
4 areas you were assigned, did you make suggestions to me on  
5 matters to be amended or things that would help our area?

6 A. Sure. But that's an advisory role. That's not a  
7 delegation of authority.

8 Q. Yeah. But I mean by delegation, were you delegated,  
9 for example, the authority to sign my name?

10 A. As I said, I guess it depended on what type of letter  
11 it was. So --

12 Q. There's some letters I might have signed, some  
13 letters I didn't.

14 On a normal work week when there's no appropriations,  
15 it's in a heavy schedule, when is the Congress usually in  
16 schedule, usually at work? What days of the week?

17 A. If it's not a heavy schedule, it's Tuesday,  
18 Wednesday, Thursday.

19 Q. But you can get some times in the year where you  
20 might go -- isn't it a fact you could go two or three weeks  
21 to finish out and close a session?

22 A. Without -- you being in the office?

23 Q. Yes.

24 A. Yeah.

25 Q. But usually did I stay in Washington on the weekends?



Bliton - Cross

1 A. No.

2 Q. Do you know of any time I stayed in Washington on the  
3 weekend to the best of your knowledge?

4 A. Well, I can't really answer that question. I don't  
5 really know for sure.

6 Q. Do you know if I drove or if I flew?

7 A. I think when I first started working there, I think  
8 maybe you flew, but I think most of the time you drove.

9 MR. TRAFICANT: Your Honor, it's 4:35. I  
10 don't know what you want to do.

11 THE COURT: Well, it's time to take a break  
12 for the day.

13 Ladies and gentlemen, it's lovely outside, and have a  
14 pleasant time going home. Remember the admonitions. Put  
15 this behind you. We'll see you 9:00 tomorrow morning.  
16 Thank you very much for your attention.

17 (Proceedings in the absence of the jury:)

18 THE COURT: See everyone at about quarter of  
19 tomorrow morning. Okay?

20 MR. TRAFICANT: Thank you, your Honor.

21 (Proceedings adjourned.)

22

23

24

25

1	DIRECT EXAMINATION OF DAVID MANEVICH.....	3026
2	CROSS-EXAMINATION OF DAVID MANEVICH.....	3038
3	DIRECT EXAMINATION OF LUCIA IANNANDREA FOIANI.....	3073
4	CROSS-EXAMINATION OF LUCIA IANNANDREA FOIANI.....	3120
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6	CROSS-EXAMINATION OF KIMBERLY BLITON.....	3202

C E R T I F I C A T E

I certify that the foregoing is a correct  
transcript from the record of proceedings in the  
above-entitled matter.

\_\_\_\_\_  
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